

VOL. II.

NO. 6.

JOURNAL

OF THE

MILITARY SERVICE INSTITUTION

OF THE

UNITED STATES.

THIS NUMBER IS DEVOTED TO

"OUR INDIAN QUESTION."



BY AUTHORITY OF THE EXECUTIVE COUNCIL.

PUBLISHED QUARTERLY.

NEW YORK.

1881.

CONTENTS.

NOTICE.—The Publication Committee M. S. L., disclaims all responsibility for opinions or observations printed over the names of contributors.

	PAGE
PRIZE ESSAY "OUR INDIAN QUESTION."	
GENERAL JOHN GIBBON,	101
"OUR INDIAN QUESTION."	
LIEUTENANT C. E. S. WOOD,	123
"OUR INDIAN QUESTION."	
CAPTAIN E. BUTLER,	183
EXTRACTS FROM MINUTES EXECUTIVE COUNCIL.	
Conditions of competition for Gold Medal,	222
Report of the Board of Award on Prize Essay of 1880,	223
Resolution of thanks,	224
Fac-simile of the Gold Medal awarded to the successful competitor,	224
Fort Philip Kearney, Wyoming,	225
ANNUAL PRIZE ESSAY, 1881.	226

Entered according to Act of Congress in the year 1880, in the office of the Librarian of Congress, at Washington.

Entered at the Post-Office at New York as Second Class Mail Matter.

PRIZE ESSAY FOR 1880.*

"OUR INDIAN QUESTION."

BY BREVET MAJOR-GENERAL JOHN GIBBON, U. S. ARMY.
COLONEL SEVENTH INFANTRY.

Look around you, see what has been going on for the last three centuries on this continent, draw your own inferences and then say what *must* be the conclusions on "Our Indian Question." When those conclusions are reached see if the American people can be induced to adopt them and act on them.

Something over three hundred years ago all the territory now included within the limits of the United States was in the undisputed possession of the Red Man and *Game*.

The white man landed on the eastern shore. He was received kindly and hospitably, and hailed as a superior being. So he was superior in many respects. He was more civilized as we understand the term, but he was also bigoted and insatiable of greed. He looked upon the savage as a Philistine to be spoiled, and he was loose enough in principle to hesitate at nothing in getting advantage of him. Under these circumstances it was not long before the irrepressible conflict between civilization and barbarism commenced, and from that day to this it has gone on almost without check or hindrance. Civilization (or rather its representatives), has always proved too sharp for the simple savage. The savage was honest and unsophisticated: the white man unscrupulous and keen at a trade. From the time of the first white settlements on the Eastern coast, down through the purchase by Penn of his principalities in exchange for cheap calico, gewgaws and wampum belts made of shells, not worth the price of collecting on the sea-shore, to the present day when treaties are made only to be broken by

*For report of *Judges* on prize essay see extracts from minutes of the Council in the *Appendix*.

the whites, the history of the two races has been one continuous series of frauds and impositions. Under the operation of these the Red Man has been gradually but surely pushed back by the advancing wave of civilization. This has been so steady and persistent that now the best informed amongst the Indians themselves do not fail to recognize the fact that the doom of their race is sealed, and has been from the start.

To the greed and demoralizing principles of the white man the Indian had nothing to oppose except his skill as a hunter and his bravery as a warrior ; but he soon learned treachery from his white brother, with the very worst and most demoralized class of whom he was, and is to-day in contact.

The characters drawn by Cooper, so often spoken of at the present day as purely fictitious, are by no means ideal, but people do not recollect the fact that the Indian is a *wild animal* whose untamed nature, adopting the arms and tactics of civilized man, pushes to extreme logical conclusions the results of a state of war. All wars, even amongst the most civilized nations, are savage and barbarous, and even civilized nations will at times adopt measures to succeed from which an Indian would turn in horror. The Indian makes war to win, and his wild nature does not stop at the means any more than a grizzly bear would hesitate to tear and maim the enemy who is striving to kill him or capture his cub. He kills his enemy outright because it is one enemy out of his way forever, but he takes the greatest care of his own wounded and never permits one to fall into the hands of the enemy if he can possibly help it. The blind rage with which he mutilates the dead body of a fallen foe, or inflicts torture upon a live one is only another form of the same feeling exhibited every day in a modified way in every so-called *civilized* war. Whilst he kills his wounded enemy he never seems to anticipate the possibility of his being captured wounded himself, and like any other wounded wild animal

resists as long as there is any strength left in him to resist with.

This conflict between the Red Man and the white, when it commenced was not one between pure barbarism and pure civilization, for the first encounter of civilization was with a barbaric civilization calculated to put our civilization of that day to the blush.

One cannot read the history of the advances made by the "Six Nations" without open-eyed wonder at the marvellous organization which was even then threatening to overrun this continent with a consolidated nation not dissimilar in many respects to the white one which now holds sway here. One is amazed to read of a people deemed savage, who, at that day had regular parliamentary meetings looking to the enactment of laws for the government of the whole nation. This Congress, composed of representatives from each tribe duly designated, assembled, at stated periods, in grand council to consider the state of the nation and provide for its welfare. It assembled at a capital where a "Long House" with door-keepers and all the paraphernalia of a civilized congress existed for its deliberations. Besides this *National Congress* each separate tribe had its legislature and legislative hall where all questions especially relating to that particular tribe were discussed and decided. A remarkable feature of these barbaric Congresses was the fact that no law was ever enacted unless it met with the *unanimous* approval of the representatives. Hence no measure could ever become a law until it had been thoroughly discussed and the fact demonstrated beyond question that its passage was of vital importance to the welfare of the nation or tribe. Of course, under these circumstances, the laws were few and simple, and the Six Nations could have required but few lawyers to expound their legal system. Might not more civilized nations take a hint in the matter of law-making from this so-called savage one?

Another remarkable feature of their institutions which

tended to consolidate the Nations and prevent any particular tribe from attaining undue influence was that which governed the institution of matrimony. Each nation was divided into *Tribes* bearing the names of animals and birds, such as "Bear," "Eagle," "Fox," etc. No man could take a wife from his own tribe, a Bear must marry an Eagle woman, or a Fox; a Fox must marry a Bear or an Eagle, etc., and the children, instead of inheriting from the father as with us, inherited from the *mother*, thus a Bear became the father of an Eagle "Sachem" and an Eagle Sachem transmitted the powers of his office to a Bear son.

But for the appearance of the white man it is more than probable that this powerful organization of the Six Nations would, in the near future, have extended its sway over the whole of the territory now within the limits of our country. They had already extended their power to the banks of the Mississippi and were preparing for further conquest amongst what are now called the "Plain Indians." These, occupying the vast plains of the west, were dependent for food almost wholly upon the vast herds of wild animals, especially the buffalo, which roamed at will over this vast region and literally blackened the prairies in countless numbers from the Ohio River to the main divide of the continent. In most of these tribes nothing like the advance observable in the Six Nations had been made. They were essentially nomadic in their habits, lived in skin tents, or "Tepees," possessed numerous horses, an inheritance from De Soto's expedition, and moved from place to place as whim, war, or the presence of game dictated.

But the white man came, and the Six Nations were forced to change their offensive operations in the west to defensive ones in the east. Gradually, but surely the line of white settlements moved westward. The Alleghanies were crossed: then the Ohio, and then the Mississippi. All this time the inevitable struggle was going on. Now and then a temporary check, as in more modern times was felt, in the

defeat of some expeditionary force, or in some horrible massacre which desolated for a time some thriving settlement. But these served only as checks, and the irresistible wave of civilization swept on with all the more force after encountering such resistance as it experienced in Braddock's field and in the beautiful valley of Wyoming. In this grand march a remnant of the once powerful Six Nations was left behind, surrounded and disarmed in the interior of New York. The great nations of the south, the Cherokees, Choctaws, and Chickasaws were, after a struggle, swept over the Mississippi, leaving their remnant on the peninsula of Florida in the renegade Seminoles, some few of whom are found there to-day.

All this movement of civilization against barbarism, although but too rapid for the poor savage was slow, toilsome, and gradual for the white man. Since the introduction of rail roads and telegraphs, it has been accelerated, and in our day the wonderful spectacle has been presented of a single line of track across the continent, literally wiping the savages from its path in a few short years. Had our ancestors of two hundred years ago, been possessed of railroads, the disappearance of the Indians would have been more rapid than it has been.

The conquest of California and the discovery of gold there gave an immense impetus to the struggle between the white and red races, for in addition to the great emigration which flowed across the continent, opening up new fields of exploration and enterprise to the insatiable white man, a line of settlements began to stretch its long arms out from the *western* coast, so that the red man was now pressed from two directions in place of one.

Look at a map of the United States. Observe how in the vast region extending from the 67th to the 95th, meridians of Longitude scarcely a wild Indian now exists to tell the tale of his race. See how the little green spots designating Indian Reservations are diminishing in size and number,

and how they are surrounded by a net-work of railroads and settlements. Look at the way in which Kansas and Texas are stretching out their arms to embrace the so-called *Indian Territory* where even now United States troops have to be employed to protect the Indian in a territory guaranteed to him by solemn treaty. Turn your eyes westward and observe how the settlements from there too are stretching out into the wilderness from the Pacific Coast. Mark how the little green spots become smaller and smaller as you near the coast, and how they are large only in the centre of the continent where the interest of the white man has not carried him in sufficient numbers to cause their reduction. But that reduction is still going on, for if you will observe the large green patch between the 99th and 104th meridian you will see down in the left hand corner a darkly shaded territory of considerable extent now tintured green with the rest, but it ought to be black, for that is the Black Hills region now filled with noisy mills and enterprising miners extracting the precious metals from a soil which only twelve years ago was solemnly guaranteed to the great Sioux Nation *forever*. Looking at this map and reflecting on these facts how can you fail to draw this conclusion as an absolute fact : *The Red Man is bound to disappear from this continent*. Philanthropists and visionary speculators may theorize as they please about protecting the Indian against the encroachments of the white man and preserving him as a race. *It cannot be done*. Whenever the two come in contact, (and they are now in close contact throughout the whole vast western region), the weaker *must* give way, and disappear. To deny this is to deny the evidences of our own senses, and to shut our eyes to the facts of history.

The statement has been recently made by a distinguished army officer that the Indians have not decreased in numbers in the last century. To my mind this statement appears incredible, but there can be no very satisfactory proof of either its truth or falsity, for the reason that nothing like

an accurate census has ever been taken of the Indians on this continent. Therefore it is impossible to say with confidence whether they have decreased or not. But the probabilities are so strongly in favor of reduction that I look upon it as certain as that the buffalo has decreased in numbers.

This animal which has been for years almost the only food of the Plain Indians, (more especially of late years since the diminution of what they call *small* game, deer, antelope, etc. in contradistinction to the buffalo which is *large* game), has receded before civilization just as the Indian has, until now the vast *single* herd which formerly covered the whole western country is divided by the Union Pacific Railroad into *two* comparatively small herds, entirely distinct from each other.

The buffalo herd has been called the natural commissariat of the Plain Indians, and as it has become reduced it roams about the region it inhabits in search of food followed by the Indians who cannot be subsisted without it. Wherever this herd is found Indians will be found upon its outskirts slaughtering the animals for food and clothing. Wherever the herd goes the Indians are bound to follow. So inexorable is this law that grave international questions are liable to turn upon the *movement of a buffalo herd*. That the number of buffalo has decreased I think there can be no question, and the reduction of the Indian is a corollary of this and of some others to which I will allude.

War, I think, does not reduce the Indian race to any very great extent, for in the first place the actual loss is comparatively small and in conflicts amongst themselves or with the whites the number slain is not large, whilst the wounded, always carefully protected and carried off, rapidly recover from even the most dangerous wounds, thanks to a strong constitution, life in the open air and a simple diet. But civilization has introduced amongst them various causes tending to check the reproduction and decrease their numbers.

The small-pox and other diseases incident to their contact with civilization carry off many, so many at times as almost to destroy tribes. But in the absence of any proper census the most conclusive argument of a decrease rests I think upon this consideration which is equally applicable to the buffalo. The Indian from his nature and habits requires a very much larger area of territory to live upon than the white man. Now when we consider that this vast country of ours was at one time occupied exclusively by Indians and how very small a portion is now occupied by them it seems to me conclusive either that the portion they do occupy must be very much more densely populated than formerly or else they have decreased in numbers, for certainly no great number of them have left our country. In the absence of any specific data to go upon we can depend only upon the observation of travellers and explorers. In the beginning of this century Captains Lewis and Clark in their expedition across the continent found many large and powerful tribes scattered along the Missouri and Columbia Rivers which we know are to-day very much reduced in numbers, and certainly no one who has passed through these regions of late years would be impressed with the idea that they were at all densely populated. I think, then that we must conclude the Indians have decreased and decreased very rapidly in the course of this century.

If these conclusions are correct what is the question we have to meet? A great race possessed of many noble qualities is rapidly disappearing from the face of the earth before the advancing tide of civilization and white settlements. That they do possess many noble qualities is freely admitted by all fair minded men who have had opportunities of observing them. That they also possess many low and degrading qualities it would be absurd to deny. But in judging of the acts of others it is a useful experiment to follow the principle of "putting yourself in his place." Let us see how that would work. How would *we* feel, how

would *we* act if our country were over-run and wrested from us by another race? If our lands were bought with promises to pay which were never fulfilled? If certain other portions of land were guaranteed to us by solemn treaty and these treaties recklessly violated as soon as precious metals were found upon the land or for any other reason the other race wanted it? If having been deprived of the food which before was ours for the taking, we had been solemnly assured that in its place we should be supplied by good and wholesome food of other kinds and then our wives and children be left to starve, whether because greedy contractors furnished improper food or none at all perhaps for months, perhaps for years? If our men were debauched, say with opium, our women degraded and our children starved if they did not consent to go to school, and learn, say the Greek Alphabet, and recite verses from the testament of an unknown religion?

All these things has the Red Man suffered.

Now I make no complaint that he is being driven from this continent. *That is inevitable: He must go*, and we might as well complain of the steam engine for running over a bull imprudent enough to venture on the rail road track. We need not however be surprised at his offering resistance, nor, considering his wild nature and the wild nature of his treatment, at the character of that resistance. I know an officer of the army who hates two things thoroughly, an Indian and a Rattlesnake. The latter he kills always on sight; the former he would treat in the same way if he dared. He says, "If I were an Indian, treated as he is, I would fight till the last gasp, and kill on sight any man, woman, or child of the oppressing race who came within range of my rifle." Thus would the *savage* in us come to the surface under the oppression which we know the Indian suffers, and a distinguished Bishop has asserted that we all have a *little savage* in us which comes out at times.

As then the Ren Man's destiny is to disappear, the

question of all others which meets us in this *Indian Question* of ours is what is our *duty* as a humane civilized people toward this doomed race? We have taken from him his land, his game, and in fact everything which he had and prized before we came here, and taken these at times by means not justified by any recognized system of morals. What does humanity demand shall be paid him? Surely *a subsistence and the means of clothing himself and his children*. These he does not get; sometimes not at all, sometimes in insufficient quantity, although it is confidently asserted that the means *appropriated* by Congress are ample for these purposes. If it were proper to appeal to self interest in favor of a just course it might be stated that the Indian, if well fed and even passably well clothed, would never, save in a very few exceptional cases, go to war, and it would be far cheaper in the end to feed and clothe him well than to fight him.

The next question which meets us is how is this feeding and clothing to be accomplished in a satisfactory manner, and this opens a wide field for discussion on which there is a very wide diversity of opinion.

The location and surroundings of our Indian tribes are so nearly identical with those of our frontier garrisons that the most natural suggestion is they should be supplied under essentially the same system.

Our troops, no matter how remote or how isolated their station, are always supplied in a satisfactory manner with good wholesome food, and it is only when unexpected moves take place or new posts are established that any difficulty arises, and it is then only temporary. The army system of supply and distribution is so well understood by the members of this *Institution* that it is needless to dwell upon it any farther than to remark on the perfect system of responsibility enforced. Under this *some* commissioned officer is always held to account for every ounce of supplies received for the use of the troops, and troops need never be badly

supplied if the commanding officer attends to his duty; and not even then unless *all other officers* at the post neglect theirs.

I risk nothing in the assertion that no such system of responsibility exists in the Indian Department. Without reference to individual commissioners I am satisfied from personal observation that not only have they no such system in the Indian Department but so far as I have been able to discover they do not in that Department *understand* the the practical working, or value, of such a system. In the total absence of any such system how is it possible for the Indians to receive, either in kind or quantity, the articles for which Congress appropriates the funds? Any business man can answer this question without the least hesitation, and yet in the Indian Department they do not seem to appreciate it or, if they do, they utterly fail to act upon it.

I will illustrate what I mean by relating a story I have heard in the west. It makes but little difference whether the story be true or not. It *might* very readily be true under the lack of system in the Indian Department, and it will serve to illustrate many similar transactions coming under my personal observation.

A herd of cows and calves to be used for domestic and breeding purposes started for a distant agency. When it reached there it was composed of all the broken down oxen and yearlings that could be picked up along the road. All the good cows and calves had been traded off on the way: but remarkable to relate the *number* of head was exactly right, and as long as the *number* was right the receiving agent made no objection, or if he did he was in western phraseology, "*made all right too.*" Now under the army system any such transaction would be impossible, and any Second Lieutenant can tell you why it would be impossible. *Let us then have in the Indian Department a system of responsibility as near as possible to that followed in the army.*

Attempts have been made at various times to make use

of army officers to check such loose transactions as I have referred to, but the result has simply been either that the check was ineffectual, or where frauds were detected and the guilty parties discharged, others were appointed to the vacant positions, and the same old loose system commenced again. In some instances the inspection of supplies by the army officer was carelessly performed, in others he was called upon or not to inspect at the pleasure of the agent and the lack of inspection never seemed to make any difference in the settlement of the agents accounts. Then, of course, the inspection as a whole can be no check. In one notorious instance a most shame-faced attempt was made to bribe the inspecting officer to pass a worthless lot of stores. There is no means of knowing how often such attempts have succeeded. But the result has been that the Indian Department and the army have become antagonistic. The former seems to consider itself placed on the defensive on all subjects and is but too apt to regard with suspicion and distrust any suggestions coming from army officers. The Interior Department having charge of Indian affairs, its Head must necessarily have the chief decision of questions arising in regard to Indian matters, and it not unfrequently happens that important *military* questions affecting the protection of our frontier settlements are sometimes decided by the Secretary of the *Interior* in Washington. A noted instance has recently occurred at an important post on the Missouri River where the antagonism referred to reached such a point that at the request of the Interior Department the post, in the midst of a large tribe was ordered to be abandoned, the Indian agent having expressed an *opinion* that he could control the Indians without the help of the military. Something of the facts leading to this order may be inferred from what occurred just before the receipt of the order at the post. An officer of the post whilst witnessing the delivery of a quantity of beef cattle to the agent had his suspicious excited by ob-

serving that the weight of the cattle was excessive. He noticed the smell of blacking and also that the hands of the employee who did the weighing were blackened by handling the weights. An examination of these disclosed the fact that holes had been drilled into all the *iron* weights except one, filled in with *cork* and blackened over. The inspecting officer refused to certify to the receipt of the cattle, kept some of the weights against the protest of the agent, and reported the fact to his commanding officer. The weights were kept locked up, the keys being kept by the agent. An estimate was made as to the amount of loss to the Government and the Indians by these fraudulent weights and it was found to be about 12 per cent.

Once the army system is instituted and the certain and adequate supply of the Indians assured and we are in a position to consider understandingly the question.

What is the best way to advance the welfare of the Indian and insure his progress toward civilization.

In considering this very important question we must recollect that all the processes of nature are slow and gradual and that we can hope for no permanent beneficial results, by attempting to force upon a reluctant people a complete revolution in their habits and mode of life. To expect an old savage who, from his earliest youth has been glorying in a wandering life, the pleasures of the chase, and the turmoils and excitements of war and war-dances to suddenly change his whole nature and settle down steadily to the plow-handle is expecting too much of human nature. You might as well take a Broadway dandy, dress him up in buck-skin and feathers, put a bow and arrows in his hand, set him down on the open prairie and expect him to gain a livelihood. *That man's son*, if sent early to the prairies might in time make a very respectable hunter.

I believe then in commencing at the bottom of the structure for improvement and not at the top. The plan then to educate Indian youths of both sexes now in successful pro-

gress meets with my hearty approval, and I fully believe will in time result in great benefit to the race.

Can then nothing be done toward the civilization and christianization of the mass of the Indians, and are we forced to wait until the young ones grow up before any beneficial results are to be looked for? Undoubtedly a great deal can be done to prepare a better field for these young proselytes to work in when they once more return to their tribes. *How* this can be done will now be considered.

One of the earliest forms of society is the *pastoral*. Men were shepherds before they became tillers of the soil, and there is no record in history where a community has been *suddenly* transformed, from a pastoral into an agricultural people, though gradual changes in the course of nature are numerous. It will not do to accept as proof of the opposite principle the few isolated cases which may be cited in this country. I have seen warriors with the *war paint* on their faces following the plow in the corn-fields along the Missouri River. But the paint and skin tepee which now and then reared its conical top near the log cabin showed how strongly was the clinging to the old life. Let a whiskey seller, a herd of buffalo or a small war party of hostiles appear in the vicinity and the Indian becomes, once more an Indian, more quickly than Cincinnatus became the soldier. Following the plow no more makes him a practical agriculturist than singing psalms and attending church service makes him a practical christian.

Thanks to the introduction of horses on this continent the great mass of our Indians are, in their natures, *pastoral*. The horse has become a circulating medium amongst them. A warrior's riches consist mostly of his large herds of horses. The price of wives and other valuables are generally determined by the number of ponies they will bring. The Indian boy, (and girl too for that matter) is from the earliest age a natural shepherd. He is accustomed every day and night to herd his horses, and in time of danger to corall them,

with a fence of brush or poles. When they wander from the camp he follows on foot or on horse-back the trail with the sagacity of a blood-hound and brings them back. It is a curious sight to see on the hill-sides in the vicinity of a camp the ponies grazing together in groups, as distinct and separate as the families to which they belong. From what has been said it will appear how natural a step toward the future welfare and civilization of the Indian it is to take advantage of his pastoral tastes and habits, give him other domestic animals to herd and in time to replace the mass of his horses with these. The first step should be therefore *to supply each tribe with a goodly number of cows for breeding purposes.*

Kine thrive magnificently and reproduce rapidly in all that vast region extending from the Mississippi River westward. Up to the 49th parallel and probably beyond they live out in the open air and subsist themselves, with no other shelter than the timber found in the River bottoms and gulches, and this some times in a temperature low enough *to melt down* their horns which are frequently seen drooping alongside their faces. This country has in times past supported numerous herds of buffalo. It can still support a like number of the buffalo's kindred, the domestic cow. The latter wander some, but nothing like the distance the buffalo does. A herd once occupying a certain "range" remains there forever. Hence the tribe possessed of a herd need never be obliged to wander in search of animal food. This at once gives the tribe a fixity in position which under the buffalo regime is an impossibility. The interests of the Indian now become *localized*. It is the first step toward the establishment of a fixed abode. A log house, a garden-patch, and a field of corn follow in logical sequence. When these points are attained the Indian is on the high-road to a civilized, christian man. The rapid increase of his herd not only renders him independent of the buffalo, but it also assures him a competence in the future. *His future is pro-*

vided for. It has always been a matter of wonder to me that the government should never have adopted so plain and obvious a step toward the civilization of our wild Indians whose habits and surroundings accord so completely with this scheme. As an instance take the Crows. They have a magnificent grazing region for a reservation, upon the eastern portion of which as late as 1876, the buffalo were accustomed to feed in immense numbers. These will probably now never return there and the Crows have always to leave their reservation to get an adequate supply of animal food. If a few years ago a comparatively small sum had been invested in domestic cattle the Crows would to-day have been independently rich with plenty of food directly at their doors.

For many years I have advocated this plan the merits of which have been confirmed in my mind from witnessing the thriving condition of and rapid increase in the domestic cattle in the north-west. That it is eminently practical has already been sufficiently demonstrated in experiments on a small scale under the supervision of the military authorities on the Missouri River and at Fort Keogh on the Yellowstone. Captured Indian ponies have been sold and the cash converted into breeding cattle. The immediate inauguration of this cattle plan is all the more important for the reason that many of the tribes still occupy sparsely settled districts where for a few years yet the whites will probably not encroach upon them to any alarming extent, and if the Indians are furnished with cattle now when that encroachment does come, (as come it must) they will be in a comparatively independent position, with plenty of food, and fixed abodes.

Great stress has been laid in this paper upon the absolute necessity of a sound system of responsibility in the Indian Department and it may not be out of place in this connection to touch upon a question which has been very fully discussed for some years both in Congress and the country

at large. This is the question as to the advisability of transferring the control of the Indians from the Interior to the War Department. A very popular idea exists, I think in this country, and perhaps in all others, that the moment a man becomes a *soldier* his sole motive and business in life is to *fight*, that all his aims in life are to fight and destroy, and that he is fit for nothing else. I am disposed to dispute this even as a general proposition, and appeal with confidence to the large number of great soldiers not only in this country but in the history of the world who are as much renowned as peace-makers as they are as warriors. The highest type of the soldier is he who fights only when he must. He above all others knows and appreciates the horrors of war and therefore more than any other deprecates a resort to arms. This of course is more apt to be the case in a free, and enlightened country than in other and more despotic ones where *the army* as one of the most important institutions is fostered and provided for, even in peaceful times, with the greatest care and attention. It is especially so in this country, where, the army being small, the defense of the country in case of war, is so largely dependent upon the force which has to be drawn from the civil walks of life to the great detriment of every civil pursuit. It is above all so in regard to the peculiar kind of Indian warfare in our country. For in this, very few of the recognized rules of warfare are applicable, and the struggle degenerates into a series of operations in small detached parties in which exceedingly hard work and occasionally desperate encounters are the characteristics. In all of these the enemy has as a rule an immense advantage. He is operating in a country every foot of which is well known to him. He is a better shot, better rider, more easily subsisted, and more inured to fatigue than the mass of our men can by any possibility ever be. Generally he is incumbered by *nothing*, when he has any encumbrance at all it consists of his families in movable camps which can shift their posi-

tion much more rapidly than our wagon or pack trains and over a rougher country, and if we concentrate to attack these he concentrates faster than we can and generally places us at a disadvantage. When satisfied that we are too strong for him to resist he scatters, becomes the best partisan cavalry in the world and does the whites more harm than we can possible retaliate. The campaign of 1876 against the Sioux fully exemplifies all these points. In this kind of campaigning there is plenty of exceedingly hard work, no glory and very little reputation to be gained by any body, and I risk nothing in the assertion that nine out of every ten in the military service prefer a state of peace to a state of war with the Indians. In the few isolated cases where Indians have surrendered to the military, they have been kindly treated, and well cared for and have become the devoted friends of their captors. More progress has been made toward civilization with these captured Indians under military charge than in any other cases. Indians have been known to say "henceforth I am a soldier. *He* does what he promises and I dont want to go back to be under the control of the agent."

The army is directly in contact with the Indian. He is encouraged to come to the military posts which are usually established in his vicinity. There he is kindly treated and, in cases of necessity, fed. If he violates the law or commits any depredations he knows that from there emanates the force to punish him. The agent now has no power to punish except with "Vatican thunders," but too apt to be supplemented with threats of the military which is not unfrequently called in to settle the petty squabbles of the civil agent which would never amount to any importance were the power to punish in the same hand as the one which controlled the reward.

Another important consideration in the case is this. The army officer is obliged to be on the frontier in any case. There he necessarily becomes more or less acquainted with

the habits and disposition of the Indian, a knowledge which in the vast majority of cases is lacking in the civil agent who is generally a stranger from a distance totally unacquainted not only with the Indians but with Indian nature. That in some few instances these have proved honest, zealous and successful agents does not militate against the rule that as a general thing they are not successful.

Life on the frontier is at best a hard, laborious and trying one and that at a remote agency a perfect banishment from all the ties of civilization. Those who accept positions there find themselves surrounded by novel circumstances amongst the most prominent of which is a total absence of anything like moral responsibility. They are free to do as they please unrestrained by any fear of detection, should they be pleased to do wrong. With such surroundings a bad man becomes worse, a good one is liable to fall into error skillfully projected by designing knaves. The few bright examples who staunchly stand up for honor and principle excite our admiration, but the many, aided by the utter lack of responsibility in the Indian Department to which I have referred, simply add to the scandals which have disgraced that Department for years. Very strong efforts have occasionally been made by Commissioners and Secretaries of the Interior to bring about a change and work improvements in the Indian Department, but in every instance the system (or rather lack of system) has proved too strong for these individual efforts which have resulted simply in demonstrating more thoroughly than ever to thoughtful men the absolute necessity for a complete change in the *system* itself. Before these attempts at reform, Indian Commissioners, Agents, Inspectors, even members of the Board of Indian Commissioners themselves have gone down only to give place to others who have repeated the sad scandals, which, whilst they bring discredit to the Government work cruel wrong and injustice to the Indian.

That some speedy remedy should be found for these

great evils impresses itself upon every thoughtful mind, not only because they are evils in themselves and therefore should be remedied, but because their longer continuance work evil to the Indian and prevents us from doing what little we should do to smooth the downward road of this doomed race, once so numerous and powerful on this continent, and from which we have, in accordance with an inexorable law, wrested everything deemed valuable by the Red Man and converted it into a principality for ourselves.



"OUR INDIAN QUESTION."

BY LIEUT. C. E. S. WOOD, 21ST INFANTRY.

INTRODUCTORY. AN HISTORIC SURVEY.

NEARLY four hundred years ago Columbus gave a world to the world, and a struggle for Empire began, which sends its eddies down the stream of time even to this day.

England, France and Spain contended for the prize—Holland and Portugal joined the race.

From 1492 till 1664 the Europeans sought a foothold on the coast of the new continent; then they wrestled for dominion; first with each other, afterward with the tawny aborigines. It is with these latter that we have to do.

The American savage received Columbus and Cabot in mild-eyed peaceful wonder. He gave a friendly hand to the people of *Sieur Demonts*, in Canada, to those of *Lenox* and *York*; the *Pilgrim Fathers* in New England; to *Hendrick Hudson* at *Manhattan*, and to gallant *Raleigh* in *Virginia*.

These begged from him a little space whereon to build their habitations; but to-day their descendants rule the land they have made to blossom as a garden, and his descendants only dot the map here and there in a few dark spots, marked—Indian Reservations.

The unsuspecting savage removed the seal of *Solomon* from the prison casket, and the genius of a mighty race has overpowered him.

Considerations of the equities administered in this sweeping march of destiny would be useless here as regards the past and out of place as regards the future.

ORIGIN OF THE HABIT OF TREATING WITH INDIANS.

The force of circumstances led all, or nearly all, of the European powers occupying land in North America, into

treaties with the Indian tribes adjacent to their colonies. These circumstances are self-evident—such as possession of the country by the Indians; their warlike and savage habits, the relative weakness of the colonies and the desire of the Europeans at war with each other to have the Indians as allies.

The colonies in their infancy followed the example of the home government and thus the United States, by right of regular succession, received the policy of treating with Indian tribes actually living within the borders of the United States sovereignty.

The first treaty recorded in the United States statutes was concluded at Fort Pitt, on Sept. 17, 1778, between the United States and the Delaware Nation.

This was a treaty of alliance, offensive and defensive. The United States were to have free passage to the towns of their enemies; such warriors as could be spared were to join the troops of the United States against the King of England, etc.

The terms of the treaty seem to-day almost ludicrous in their gravity and equality, but if a contemplation of the present relative strength of the then contracting parties inspires pride for ourselves, it should temper that pride with pity for the people, glorying in their strength and called "Nation," who now have vanished into thin air.

ORIGIN OF INDIAN AGENT.

In Article V. of this treaty, the progenitors of the American Indian agent appears.

UNITED STATES BEGIN TO MAKE PROMISES WHICH THEY ARE
UNABLE TO FULFIL.

The next treaty was made at Fort Stanwix, October 22, 1784, between the United States and the Six Nations.

Article II. forecasts a shadow in these words: "The Oneida and Tuscarora Nations shall be secured in the possession of the lands on which they are settled." These

lands were located in northern New York near Niagara, and along the lakes, taking in what is now northern Pennsylvania, and west to the Ohio River.

GIFTS.

Article IV. sets the early example of giving goods by treaty stipulation.

By the treaty of November 11, 1794, Pennsylvania began nibbling at the lands given to the Six Nations by Article III. of the treaty of 1784. In time nearly the whole reservation was wrested from them and the treaties practically annulled.

Thus in ten years the plastic art of Indian-treaty making was established. To certain people it would be profitable to pursue this subject further. They are referred to the United States Statutes at large—Indian Treaties.

My desire has been merely to show the beginning under the United States government of several important features in the present system of Indian management.

The volumes referred to will show, that, except the original thirteen colonies, almost every section of the now populous country east of the Mississippi River has been the subject of an Indian treaty; much of it as Indian reservations.

The United States have in rapid succession treated, actually or in effect, with every tribe now within their borders. The reading of the index to the volumes will carry the thoughts from Maine to Florida, and from New York to Washington Territory. The history of one treaty is the history of all—neglect, evasion, abrogation.

I will notice only such as are near to our own times and which the plan of this essay may seem to demand as illustration. But it is pathetic to read the articles of treaties, concluded in the early part of this century, in which tribes whose very names are almost forgotten, promise to "hunt a new home further to the westward."

RETRIBUTION IN NATURE.

So universal and inexorable is the law of retribution that in every mythology and religion it has been typified in some avenging spirit or avenging attribute of God. A departure from the silent orbit of right doing must inevitably set in jarring motion forces that chastise this departure. The Indian wars thickly strewn along the path our country has trodden are too often retributive land marks that point our wanderings from the way of justice or mercy.

COLLISION OF RACES INEVITABLE—BUT CHANCES INCREASED
BY TREATY-RESERVATION SYSTEM.

When two brave and self-willed races are contending for the same object, collisions are unavoidable, and under the treaty-reservation system which necessitates a breach of faith every few years, the causes of irritation are increased.

EXAMPLES FROM HISTORY.

The Seminole wars, the Sioux wars, the Nez-Percé and Bannock wars are cases in point; but the cases are many. Under the solemn mystery of a treaty, a few head men agree to removal, once, twice, many times, till, perhaps, war is the result, or gifts, annuities and supplies are missing and war is the result.

The proclamation to the Seminole treaty of 1832 is grimly humorous.

"The Seminole Indians regarding with just respect the solicitude manifested by the President of the United States for the improvement of their condition, by recommending a removal to a country more suitable to their habits and wants than the one they at present occupy in the Territory of Florida, etc." No. Truly Florida was not a healthy country for the Seminoles.

By the treaty of 1855, ratified 1859, the Wallowa Valley was guaranteed Old Joseph as a home for his band of Nez-Percés. By treaty of 1863, ratified 1867, it was taken away from him against his protest.

By executive order of 1873, it was restored to his people now under his son and successor, "Young Joseph." By executive order of 1875 it was thrown open for settlement, the band became renegades, were ordered on to the Lapwai reservation and war was the result.

Who is there to justify the removal of the Poncas against their will and against treaty stipulation?

By the Sioux treaty of 1868 the Ponca treaty reservation was, by error of the United States, ceded to the Sioux who are the enemies of the Poncas; and therefore, as the commissioner of Indian affairs naively remarks; this blunder compelled the removal of the Poncas to the Indian Territory.*

Scant supplies it seems drove the Bannocks upon the war path.† The treatment of the Utes as to supplies was aggravating to them in the highest degree—it cannot be justified. Supplies lay in store for a year while hungry Utes were loudly asking for them.‡ Saran Winnemucca has claimed the same extenuation for the hostile Pi-utes.

The same incentive to out-break has been asserted by Dull Knife. The public accredited his statement as to the putrid meat and starvation. The Indian department denied them.

A study of the Indian office records will demonstrate that the past of the Indians in the United States, has been an amotion as to residence and a scantiness as to supplies. This essay will at no time allege anything so inconsistent with natural laws as that the whites have always been the aggressors in Indian hostilities. But an examination of Indian history will show it to be a succession of outbreaks, massacres and wars; of which melancholy results the two conditions above noticed have been important factors.§

*Report Commissioners Indian Affairs 1878.

†Ibid.

‡Report Board of Indian Commissioners 1879.

§Report Secretary Interior, Commissioners Indian Affairs, Board of Indian Commissioners, Bancroft's History of United States, Treaties (Indian) of United States, Schoolcraft's Memoirs, Chalmers' Annals, Trumbull's, Connecticut.

ANALOGIES OF HISTORY.

Were causes to be always the same results would never differ. It is the impossibility of any cause existing twice exactly the same in every element which relieves the world from monotony. But it follows naturally that the more nearly identical are two causes, the more nearly alike will be the effects. Hence a study of the past is necessary to a rational, accurate prophecy as to the future.

AN ANALOGUE TO THE INDIAN QUESTION.

Probably seldom or never before in the history of the world has a descendant, modeled by the rolling of two thousand years, looked upon his ancestors of two thousand years before; but the citizen of the United States who traces his descent through the allied tribes of Norman, Saxon and Dane till it grafts upon the common Indo-germanic stock, may find in nakedness or raggedness, in hut, by stream or on the vast prairie the type of his German ancestor when Rome was a village.

The analogy is striking between the German described by Cæsar (60 years B. C.), or by Tacitus (100 years later), and the American Indians as we now find them.

If not absolutely profitable it may at least be interesting to note a few resemblances. "The Germans live in tribes, what land they hold is common to the tribe and simply for pasturage. They hate fixed habitations, despise agriculture and subsist on the milk and flesh of their animals and by hunting. They love war. They dress in skins, leaving most of the body naked. Both sexes bathe together in the rivers. Their chiefs have not absolute power but rather the privilege of advising as leaders. Important affairs are determined in council, by the tribe. All are at liberty to go on warlike expeditions or not, as they see fit. If they rise and declare their intention to follow their leader and afterwards decline, they are disgraced as traitors and cowards. They claim and exercise the right of private revenge.

Every person is obliged to avenge the wrongs done his relatives. Their enemies are hereditary but murder can be compensated for by payment."*

The invaders of Rome are thus described: "The Huns had small strongly knit bodies, thick necks, well set between the shoulders, thick round heads, low foreheads, broad flat faces, very thin beards, small black sharp eyes, black eyebrows very thin, ears standing out from the head, broad mouths. Like true prairie dwellers the Huns hated agriculture and fixed dwelling places. Hunting and war was their life. They fed on the roots of their steppes and on the half raw flesh of their animals. The companion of the Hun was his horse. On his little and ugly but swift and untiring steed the Hun ate, drank and slept."†

The comparison between the American Indian and the ancient German has been accurately instituted in note vi, to Robertson's history of Charles V.; but in vol. 1, sect. 1, where no such comparison is made, we find a characterization of the Germanic tribes that still further bears out the analogy.

"When the spirit of conquest led the armies of Rome beyond the Alps they found all the countries which they invaded inhabited by people whom they denominated barbarians, but who were nevertheless brave and independent. These defended their ancient possessions with obstinate valor. It was by the superiority of their discipline rather than that of their courage the Romans gained any superiority over them. A single battle did not, as among the effeminate inhabitants of Asia, decide the fate of a state. The vanquished people resumed their arms with fresh spirit and their undisciplined valor, animated by the love of liberty, supplied the want of conduct as well as of union. During those long fierce

*Cæsar de Bell, Gal., Lib. 4 and 6. Tacitus de Mor, Ger., C. 26. Robertson's Charles V. Vol. 1, Note vi.

†Charakter-Bilder aus der Geschichte und Sage. Von. A. W. Grube. Geschichte der Völkerwanderung, Von Wietersheim.

struggles for dominion or independence, the countries of Europe were successively laid waste, a greater part of their inhabitants perished in the field, many were carried into slavery, and a feeble remnant, incapable of further resistance, submitted to the Roman power."

Thus Rome centuries ago was wrestling with a transalpine problem more magnificent and difficult but similar in some respects to the Indian question that perplexes the United States to-day.

Among others two important favorable elements in the Roman problem are wanting in the American: the pastoral Germans had milk herds, as their Asiatic forefathers had before them, and the Germans in complexion and comely looks were attractive to their conquerors. It may be noticed also that Cæsar commends the women for chastity. These elements helped to the quicker amalgamation of the races.

The German tribes like the American fought against hope and much to the perplexity of their Roman governors they rebelled again and again, till the Romans, knowing only one plan of civilization, crushed them even to extermination.

Though they were carried into slavery there was no submission. In them as in the Indian, domestication in servitude was impossible. The Asiatic sweetness of Nirvâna had no charms for minds nurtured under the sun and winds of a bracing climate, and the submissive and contemplative spirit which renders possible the British rule in India, was as foreign to their nature as it is to that of the North American, therefore peace and rest for the Romans could only be purchased by elimination of the Germans.

We are dealing with a similar race. I now quote the words of Chief Justice Marshall in support of the comparison I have instituted and also as having reference to the justification of European supremacy; which topic will be taken up in proper order.

"But the tribes of Indians inhabiting this country were

fierce savages whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country was to leave the country a wilderness. To govern them as a distinct people was impossible, because they were as brave and high-spirited as they were fierce, and were ready to reply by arms every attempt on their independence. What was the inevitable consequence of this state of things? The Europeans were under the necessity either of abandoning the country and relinquishing their pompous claims to it, or of enforcing those claims by the sword and by the adoption of principles adapted to the condition of a people with whom it was impossible to mix, and who could not be governed as a distinct Society; or of residing in their neighborhood and exposing themselves and their families to the perpetual hazard of being massacred.

"Frequent and bloody wars, in which the whites were not always the aggressors, unavoidably ensued. European policy, numbers and skill prevailed. As the white population advanced, that of the Indians necessarily receded; the country in the immediate neighborhood of the agriculturist became unfit for them. The game fled into thicker and more unbroken forests and the Indian followed."

Peoples cannot intermingle and yet remain separate as oil and water—neither predominating. Language and usage show which has overcome the other, and they often unite with history to prove that in some instances the conquered have slowly overcome the conquerors. For example: the Roman language and laws disappeared before the barbarian hordes that swept Southern Europe as wild fire does the dry prairie; but the sudden conquest of England in the single battle of Hastings left the people unaltered and they in time absorbed their conquerors, the Norman language and customs melted in the Anglo-Saxon crucible.

To return to our analogy and apply the foregoing principle: we find that wherever Rome had peace and prosperity

in the management of her German provinces, there she had absorbed the remnant of the hostile tribes and so thoroughly latinized them that the traces are extant as in France.

But there were more successful tribes that resisted the Roman encroachment, and consequent adulteration and loss of identity. These secure in the wildernesses of Germany and North Europe were the prototypes of Sitting Bull; only more formidable than he.

They joined their kindred in the rush upon the eternal city and the Roman Empire was ended.

But no such turning of the scale awaits the American. His north is no storehouse of nations to pour forth its barbarian deluge upon our civilization, and it is death's mockery that deludes him with the vain dream that some day the shadowy hosts of his ancestors will arise to drive the white invaders as dust before the hurricane.

THE INDIAN DECREASING.

Some have said that the Indian is increasing.* Rather it is the enumeration of him that is increasing. In the earlier days of the republic the Indians were hidden in the wilderness, their number was unknown, the recorded numbers were small. Now the Indians are gathered upon reservations or are roaming over known country.

In the earlier days they had an abundance of pelts and furs for clothes and of game for food, a whole continent was theirs. They were subject only to domestic strife and ordinary perils—the conditions were favorable; now they have scant clothing and scarcity of food; they are subject to whiskey, venereal and European epidemics; they have internecine wars and are battling foot to foot with an antagonistic race; they are forced into uncongenial climates; the conditions are unfavorable, whole tribes have become extinct.

The number of Agency Indians last reported is about

* All reports as to Indian population being largely estimated and in the nature of things unreliable no comparisons in exact number are made, they would prove nothing.

250,000, the total [estimated in the census bureau] is 400,000. It cannot, I think, be successfully claimed that this or double this number is an increase over the population when the Indian was supreme in the land. The green plant does not flourish in the dark and the Indian sunlight has been fading for many years.

MUST CONTINUE TO DECREASE.

The same forces that have driven the ball of civilization are still rolling it onward ; the Indian has retreated savagely but helplessly before it and must still move on or be crushed.

What was true in 1680 is true to-day. The stream of a predominant race is still flowing onward and bursting its banks ; the oil and the water cannot mix, cannot intermingle ; the destiny of the Indian is inevitable.

ULTIMATE DESTINY—EXTINCTION.

Humanity may delay it but the end is beyond human control. The Indian has not the elements that make up the Jew, the Gipsy or the Negro, and even these have lost or never had a separate existence and the dropping of time is obliterating their individualities. The Indian is to become extinct just as the German tribes within the Roman provinces became extinct ; just as so many peoples have become extinct when caught in the resistless march of superior nations. Where are the powerful tribes that held the country from the Atlantic to the Mississippi ? The forces that have turned their hunting grounds into farms and penned their remnants in on reservations are silently at work, beyond all human control. The destiny of the Indian though afar off is none the less surely—extinction.

It is as if, at the flooding of the tide, he bounded along the sounding beach, exulting in his freedom—a freedom as perfect as that of the restless waves. Yes, as perfect, for in obedience to the hidden power, the careless waters advance and narrow the limits of the thoughtless man. Too late he sees the inexorable cliffs behind him and endeavors to

beat back the waves. Little by little they rise higher and higher, following him to his last and highest refuge, then slowly but oh how surely they creep up, up, to chin and mouth, a few struggles and they laugh and leap above his grave.

This then is the remote solution of the Indian question so far as we can forecast the future by examining the present and the past.

LOGICAL INFERENCE.

The history of our own past confirms the Germano-Roman history and teaches that the United States have found a cessation of conflict only where the Indian element has been eliminated. Heretofore the whites have expelled the Indians as one nail drives out another. It remains yet to be fairly tried whether elimination by raising the base metal to form an alloy with the noble is possible. But in any case it follows that whatever hastens the extermination of the Indians or of their distinctive nature, hastens the answer to our Indian question.

Every war or epidemic among them is a step of one kind; every farm or school is a step of another kind toward the end.

It may be naturally presumed that entire, continued peace by right or might is the practical result desired by the United States; and it may be rationally assumed that a friendly, inoffensive solution of the question would be the right solution; which suggests the conclusion that the quiet and peaceable elimination of the distinctive Indian element from our body politic is the consummation devoutly to be wished.

In other words the Indians should be assimilated to the whites by being placed as nearly as may be upon the same footing with them. Natural forces will then draw them toward the same condition and predominance of race will quietly complete the transformation.

OBSTACLES TO THIS PERFECT CONSUMMATION.

But this consummation in its ideal perfection is practically impossible, and there only remains to approach it as nearly as circumstances will permit. Peace, which may be defined here as the absence of all clashing and jarring of elements, may be preserved in two extreme ways—either by opposing no resistance or by opposing a supreme or overwhelming resistance. That is, the Indian may be permitted, in his relations to the white man, to be a perfect antonomos, or on the contrary such a crushing force may be held over him that rebellion means annihilation. It is I think between these two extremes that any Indian policy should pursue its course, along the happy middle way. Not as is the present system giving the Indian neither rational liberty nor firm coercion.

Since the answer to our question lies along the middle path—freedom and reward for the good—restraint and chastisement for the evil—there only remains to examine the discordant and jarring elements and to seek a remedy by which the evil will be eradicated and the good amalgamated or lost in one harmonious mass.

SOME OF THE ELEMENTS OF DISCORD.

The Indian is said to be thoroughly antagonistic to the white man, which means that in countless ages they have been moulded in different moulds. Different winds have sung to them; different food has nourished them, and in effect a different sun has played upon them. The Indian is physical, the European is mental, the Indian loves to live by hunting, and vast territories are required for his dwelling place, the white man loves to live by tilling the soil and he loves a fixed habitation. The Indian is as restless as an autumn leaf yet pines when removed from his habitat, the white man can give up his cherished home and cheerfully support an almost solitary life. The Indian has learned by acquaintance and tradition that the white man

is a heartless intruder ; the white man knows from experience and history that the Indian is a merciless savage. Their complexions and languages are totally different. In the contact of such opposed characters harmony is impossible. In the chafing which results, three participants may be noted on the chess-board : the Indian, the settler, and the government.

The first two thoroughly antagonistic to each other, and the last endeavoring to play the part of mediator and ruler. Vainly endeavoring, for the settler represents a perpetual and incessant power formative of the Government while the Indian's influence is intermittent and indirect.

OUTLINE OF ONE PHASE OF THE CHAFING.

By an uncontrollable destiny the settler encroaches upon the hereditary domain of the Indian and arouses his fears and his animosity. When these are reaching a culmination, the Government, as we have seen, intervenes and by a treaty endeavors to reconcile the irreconcilable. It solemnly guarantees to the Indian certain lands, gifts and privileges. No person studying the history of United States Indian Treaties can fail to be impressed with the earnestness and intended equity of the United States. It would be too much to expect the early treaty makers to have foreseen the un-wisdom of their plan. But nations, like individuals, are in the hands of fate and whether through ignorance or arrogance they disregard natural laws and assume omnipotence the inevitable will bring them to shame. The United States pledged honesty but they pledged an honor they could not maintain. They made promises they could not fulfil.

The same causes which pressed the Indians on one reservation soon pressed them off on to another.

They saw their guaranteed homes occupied by the white man and loss of faith and bitterness began.

Thus as has been intimated in the preceding historical

survey, the Indian has been elbowed from place to place in defiance of promises, made foolishly because impossible to keep.

If the superior race could not foresee the philosophy of its inability to redeem its pledges, certainly it ought not to expect the inferior race to rest philosophically content with ouster, trespass and breach of faith because they were inevitable consequences.

An increasing general distrust of the white man and the white man's government was soon implanted in the Indian's breast and his savage nature, which needed no incentive to personal vengeance, too often found some reason for rebellion and vindictiveness.

The cases previously cited bear upon this point (the Seminoles, the Sioux, the Poncas, the Nez-Percés, the Utes and others) and illustrate the rule which history establishes that the great primal cause of restlessness and discontent among the Indians of the United States, has been and is the steady pressure of white settlement: and the helplessness or evasion of the Government has been the last straw upon the Indian's back, it shuts out hope. The present must still be the counterpart of the past for similar causes are at work.

PRESENT EXAMPLES.

The Ute war was the result of absence of necessary supplies and a proposal to move the Utes, depriving them of their lands; which proposition was made incarnate and visible as the Ute commission.

Almost at random I take up the report of the commissioner of Indian affairs for 1878 and extract:

"The Ute Indians of Colorado are divided into three Agencies, their reservations cover nearly 12,000,000 acres, and fully one third of the best arable land in the state, and it is situated in the heart of one of the richest mining regions in the United States. The mining population naturally want the arable land to raise food for their support and as

the white population is rapidly augmenting, their encroachments upon the Indians will be constantly on the increase. . . . But all the Ute Indians should be removed at once to the Indian Territory." The Governor of Colorado has said, "The Utes must go."

Returning to the report: "Umatilla reservation, this reserve. . . . Contains some of the finest grazing and agricultural land in the state. . . . This valuable tract is occupied by only 1,000 Indians who cultivate between two to three thousand acres. For several years past the citizens of Oregon have made persistent efforts to have these lands open for settlement and several bills to that effect have been introduced in Congress." Then follows a recommendation of removal to the Yakima reservation.

It may be here remarked that these Umatilla Indians have been subject to trespass, assault and other aggravations from their white neighbors with a view to hastening their removal. The conduct of the Indians has been misrepresented, and a rupture has been prevented with difficulty.

The report details encroachments and attacks on the Jicarilla Apaches, also as to the Pimas, Maricopas and Papagos.

"For several miles above their reservation, numbers of Americans and Mexicans have made settlements within the past few years and used the water of this river, or rather creek, in their mining operations and to irrigate their lands, thus almost wholly cutting off the supply from the Indian farms. The Indians were therefore driven to the necessity of seeking other lands to cultivate or to obtain employment elsewhere to save themselves and their families from starvation." Then follows the usual recommendation for removal to some other locality.

The legal question as to the protection of their water rights which these Indians should be able to obtain from the courts does not belong here. But as to these constant removals it may be remarked that if the consent of even a few

head men is obtained, it is usually because they feel that there remains to them no alternative, and moreover, a government is bound to keep a promise in the manner in which it knew the promisee at the time expected it to be kept. That I do not advocate reserving to the Indian a park while whites or others crowd the outskirts begging for land to cultivate, can be gathered from what I have already written and will be specially noticed under the topic of Indian Rights; but I do advocate national as well as individual faith and think justice should guide the adjustment of all difficulties.

The plain savage mind generally understands that lands given to them for a home are given unalterably and forever, and to make a reservation for a long term of years by treating with a people that are foreign to our language and who have no records, or for any reason to compel a change or loss of dwelling place while seeking shelter under a formal, mutual and apparently agreeable treaty-act is making a farce of a solemnity, and too often the curtain falls upon tragic ending.*

Encroachments on tribes and reservations only figure forth the trespasses, restraints or abuses which, under the same system, the individual Indian must expect from his superior and dominant white neighbor.

All forces are reactionary: hence the Indian's covert or open resistance reacts upon the settler and produces hatred and suspicion. He becomes ready to visit instant punish-

*In this connection see the reports of the Secretary of the Interior, 1877 and 1878 also report of the Board of Indian Commission, 1879, from which the following is an extract:

"Whatever the issue it is hoped the Government will hereafter maintain in good faith its treaty stipulations, not only with these, but with all other tribes of Indians, many of whom have been irritated beyond reasonable endurance by the indifference on the part of Congress to some of its covenant obligations with them.

"At least half a score of treaties made with various tribes of Indians a quarter of a century ago, pledging them, among other things, lands in severalty for homesteads, stand, in this particular, unexecuted to this day. We do not mean to charge the Government with intentional faithlessness and injustice."

ment upon the Indian for his crimes and misdemeanors; neither is inclined to await adjudication; for the Indian having no proper legal status his vindication or punishment is very fluctuating, the courts are practically closed to him; therefore a shot or blow, lights the torch of war.

It is certain at least that the Indian and frontier settler are now hereditary enemies.

Should war result the Government again moves upon the board. An inefficient force, favored by the scanty resources of the enemy and by the seasons finally conquers peace and implants in the Indian's mind something akin to desperation.

In this superficial view of the chafing together of the races, the white man's asperities have been more particularly noticed, because, in the largest sense, he is and must be the aggressor; and secondly the Government is morally bound to correct its own faults before it enforces the correction of the errors of others.

AS TO INDIAN'S RIGHTS.

In connection with the principal sources of Indian discontent just glanced at, viz: removal from his lands and breach of faith on the part of the whites; a limited examination as to what in truth are the Indian's rights seems a proper study.

These rights are those which nature has bestowed upon all animals—each in its degree—and which may be called natural or absolute or instinctive rights.* And those closely allied rights which the comity of nations and individuals has recognized as existing in each one: which may be called mutual rights.† They may be carelessly said to be (1) Life, which includes here, not only the vital spark but the bodily members and health. (2) Liberty. (3) The

*Termed by Sir Wm. Blackstone "Absolute Rights." See Blackstone's Commentary. Book I. Chap. I.

† These he calls "Relative Rights," and says, "That the first and primary end of human laws is to maintain and regulate these absolute rights of individuals," after that the relative rights.—*Ibid.*

rational and lawful pursuit of happiness. (4) Such use of the earth as is required for support. (5) The use or protection of the courts. (6) Local rights in the nature of privileges.

LIFE.

In this order they will be examined. The natural right to life is intuitive, instinctive and self-evident and in a state of nature is perfect, but in a state of society this right becomes impaired by law, and life is sometimes forfeited to the aggregate of the same right existing in others.

LIBERTY.

The same can be said of liberty; by which may be understood therefore, not the absolute right of acting as one sees fit, but the modified right of having such freedom of thought, speech and act as does not trespass upon the assured rights of others. This imperfect or modified liberty must necessarily exist, for if we do not impair a just right of our fellow man, nor unlawfully put him to inconvenience, how can it be possible that our fellow man can justly do the contrary by us?

HAPPINESS.

The rational or lawful pursuit of happiness could well be included in "liberty," yet it is so dear a right and happiness is so intangible and indefinable that for the better securement of the right it is well to notice it separately, for the enjoyment of life or the right pursuit of happiness is instituted by natural law and protected by human law.

The very primal and fundamental object of human laws is or ought to be to protect these rights. Our laws do indeed secure these rights to our citizens but not to the Indians. How unequal and unjust? Here I will leave this topic for the present because the protection of the existing rights is a subject for discussion under the relative or comity right of use of the courts.

RIGHT TO LANDS.

The right to life carries with it the right to such use of the earth as is required to support life ; but this right is modified also in its application, for while at one time a man may have good right to support himself in a nomadic manner at another time the rights of others may compel him to do with less expanse of earth and draw his subsistence by systematic labor from his allotted position.

Each one can therefore only assume as a perfect right, such use of lands and waters, in severalty or in common or mixed, as is necessary for the sustenance, clothing and shelter of the individual and so many as may be dependent on him, for it cannot be denied that since the earth is the mother of life, each life is entitled to draw its support from her bosom.

But for the encouragement of industry and improvement, and in recognition that every man should have the fruit of his labor, use of land is generally in all societies synonymous with ownership or control over the land.

Disregarding the refinements introduced by commerce and exchange we may practically assume that such use of land as will support one—means, in effect, the possession and ownership of so much land as will support one.

Possession is moreover invariably and for the strongest reasons recognized as *prima facie* evidence of ownership, and whoever without superior right dispossesses a possessor commits a wrong to him. The Indians then having been found in possession of this country, their natural right to a sufficiency of it to maintain them according to the laws of labor cannot be denied. It is only when they demand an undue proportion of soil that their claim becomes fallacious. If they disregard the only means of competing for life with the white man and adhere to an impossible mode of life they must decrease in a direct ratio with the increase of the whites.

Were the globe to be crowded to its utmost capacity,

living would be reduced to the simplest and most meagre system ; should it be overcrowded other and higher laws would supervene and secure the survival of the fittest. There actually exists to-day gradations in such a scale extending over certain areas of the earth's surface. China is an area of crowding—the United States an area of room. Therefore to the minimum which the Indian is entitled to by natural right, a gratuity of land may be added, in consideration of his former life and his awkwardness in agriculture.

The United States in their allotment to Indians in severalty have assumed various units, varying I presume with the productiveness of the soil and other conditions.

Details I apprehend are hardly within the scope of this essay, but I would suggest not less than twenty acres to any one adult, living separately ; and not more than one-half-section to any one head of a family. While I would not uselessly enlarge the Indian's portion yet I would consider how hard it is for him to refrain from going to and fro in the land of his ancestors ; how hopeless under the best guidance will be his contest with the myriads of white men that cover the country as locusts cover a field ; whose habitations are fixed and who have time for meditation ; who have turned night into day for the purpose of study and thought ; who have allotted spheres and professions to the workers so that each gives his whole strength to the mass and it moves onward.

The surplus superior population of other countries and the increasing population of our own is overthrowing the fallacy that the Indian is in equity, owner of the vast territories he devotes to his existence. The accident of birth can give no such ownership and the laws of the universe, the law of self-preservation, will administer the equities and deny the claim. Moreover the white man has necessities unknown to the Indian. In the battle between them it is vain to ask for the savage pregnant kingdoms from which the white man will deliver new life.

Such a demand has never been supported by the legislature or judiciary of our country. It is equally absurd with that antagonistic claim that whoso discovered a river owned all the lands drained by it and its tributaries—how inconvenient if the territories happened to be those of a more powerful race?

Chief Justice Marshall asserted that "the right of society to prescribe those rules by which property may be acquired and preserved could not be drawn in question,"* also, "that the Indian right to the soil was a right of occupancy only has been judicially maintained repeatedly."

Grants made by Indian tribes have been invariably held invalid and the right to dispose of the soil has been held to be only in the United States and that all grants from them were good subject only to the Indian right of occupancy, and in regard to the extinguishment of that right it has been said "it has never been doubted that either the United States or the several states had a clear title to all the lands within the boundary lines described in the treaty,† subject only to the Indian right of occupancy, and that the exclusive power to extinguish that right was vested in that government which might constitutionally exercise it."

"The ultimate fee, encumbered with the right of Indian occupancy, was in the crown previous to the revolution and in the States of the Union afterwards and subject to grant.

So the Supreme Court and the State Courts have uniformly held."‡

In *United States vs. Clark*|| it was held that the right of alienation of lands in possession of Indians, for a consideration, was an inherent right in the Indians, but that the grant or patent must be subject to confirmation by the sovereign. Also that lands in possession of Indians could be

* *Johnson and Graham's Lessee v. Wm. McIntosh*, 8 Wheaton 543.

† Treaty between the United States and Great Britain—concluding War of Revolution.

‡ *Clark vs. Smith*. 13 Peters, 195.

|| 9 Peters, 166.

granted to others, though possession could not be taken without the consent of the Indians. It has also been decided that while Indian tribes are denominated in treaty language "nations," yet they are more properly "Domestic Dependent Nations" in a state of pupilage or wardship and that the United States assert a title to their territory independent of their will.* By the same authority the Indian title has been declared to be not repugnant to a seisin in fee on the part of the United States or any of them.†

I will conclude this survey of the important question as to Indian right of title to the soil with the forcible and practical language of the Chief Justice delivering the opinion of the Court in the case last cited. Speaking of the power of the United States to grant and control lands in the possession of the Indians, after showing its origin and growth, he continues: "The existence of this power must negative the existence of any right which may conflict with it and control it. An absolute title to lands cannot exist at the same time in different persons or in different governments.

All our institutions recognize the absolute title of the Crown, subject only to the Indian right of occupancy, and recognize the absolute title of the Crown to extinguish that right.

"This is incompatible with an absolute and complete title in the Indians.

"We will not enter into the controversy whether agriculturists, merchants and manufacturers have a right on abstract principles to expel hunters from the territory they possess or to contract their limits. Conquest gives a title which the Courts of the conqueror cannot deny, whatever the private and speculative opinions of individuals may be, respecting the original justice of the claim which has been asserted. These claims (the right of the government to extinguish the title which occupancy gives to the Indian)

* *Cherokee Nation vs. State of Georgia*. 5 Peters, 1.

† *Fletcher vs. Peck*. 6 Cranch, 87.

have been maintained and established as far west as the Mississippi by the sword. The title to a vast portion of the lands we now hold originates in them. It is not for the Courts of this country to question the validity of this title, or to sustain one which is incompatible with it.

"The law which regulates and ought to regulate in general the relations between the conqueror and the conquered was incapable of application to a people under such circumstances. The resort to some new and different rule, better adapted to the actual state of things was unavoidable.

"Every rule which can be suggested will be found to be attended with great difficulty."

I trust that it will be seen from the foregoing that the Indian has no inherent right to lands he is not using nor any just right to lands that other lives must share with him, but that he has a right as perfect as theirs to a proportionate share ;—the manner of living being the same for both. It will be seen that the highest judicial authority of the United States has allowed to the Indian a right of occupancy only, denying him any possessory right, and asserting a power existing in the United States to extinguish even the right of occupancy. The native born Indian stands as to soil in much the same relation as does the alien who has emigrated to our midst.

It seems only just that our laws as to lands should operate upon them both with equality ; upon the Indian with something of favor perhaps or special protection, for he is indeed an infant in our law.

PROTECTION OF LAWS OUGHT TO BE EXTENDED OVER
INDIANS. RIGHT TO USE OF COURTS.

If, as I have attempted to show, the Indian's natural rights be the same as or strikingly analogous to those of the white man ; and if he be compelled to come under the same government, it is obviously just that he should occupy as to these rights essentially the same legal status. It is obvi-

ously impolitic to have one law for the white man and another or no systematic uniform law for the Indian.

It seems rational that the principal laws of government should fall upon both alike and be administered through the same medium. Practically the Indian is required to live by our laws, therefore he should have the benefit of our courts of law, not theoretically but substantially. The actual satisfying of this abstract right will be more fully noticed in due course as a remedy for a defect in the present system of Indian management.

LEGAL RIGHTS.

By these I mean more strictly those privileges which nature or a community allows in common to the favored residents of certain districts. Such as game privileges, natural medical baths, local facilities for transportation, etc. These rights hardly deserve a separate classification or discussion.

I here conclude my superficial examination of the past history of the Indian question, together with its most striking analogue, and of the question of abstract Indian rights. There remains now only to show how these rights are to be practically satisfied; which will involve some examination of the present Indian system, pointing out what seem to be its chief weaknesses and suggesting its necessary appropriate remedies. A thorough analysis of the present Indian management would in my opinion be more laborious than profitable, therefore I will for the most part leave the good unnoticed and trust that it will be sufficient to call attention to what seem to be the principal faults without always producing the correction.

There is only one motto for the reformer. Truth and justice are mighty and eternal and will prevail.

PRESENT SYSTEM OF INDIAN MANAGEMENT NOT TO BE
VIOLENTLY NOR WHOLLY CHANGED.

The present system of Indian management has been

fashioned by time and cemented with blood. Experience has proved that it is never well for a nation to suddenly subvert any system of gradual growth and replace it at once by a theoretical and untried one. It seems reasonable that an organization which is the result of slow accretion and modification must be the best adapted to those circumstances which have formed it. Therefore it is that nations have always regretted rash innovations in either laws or policies, and when necessity requires a quick uprooting violence accompanies the change. For this reason I shall proceed on the principle that the new body must be built upon the skeleton of the old, and the reformation must be effected by the natural workings of a readjustment of causes. Probably the end desired and the changes necessary to bring about that end, can be better appreciated by sketching the outline of an ideal connection, or ideal result, and then showing what changes in the constitution of the present system will tend to gradually force an approximation to the ideal. The words of Chief Justice Marshall are to be remembered :

GLANCE AT AN IDEAL CONDITION.

"Every rule proposed will be found to be attended with great difficulty."

It cannot be successfully denied, I think, that it would be desirable to have our Indians peaceable, individualized, self-supporting, ruled by regular uniform laws, law abiding, and mingled with the white population in friendliness, on a footing of general equality, finding their destiny in the quiet admixture of races.

SOME FAULTS IN THE PRESENT SYSTEM WHICH RETARD THE
ADVANCEMENT TO THIS IDEAL.

The erroneous and pernicious habit of treaty making may be considered as condemned and abolished by Section 2079 Revised Statutes, United States, but as has been shown, it has left behind it bad fruit, viz. :—Recognition of tribal

character and responsibility to the exclusion of individual, insecure tenure of homes, neglect of treaty stipulations on the part of the United States, and loss of faith on the part of the Indians. To these may be added many evils the consequences of this condition. The fruit of the fruit—such as Indian wars, want of inducement to self support, that is : idleness and attendant vices, etc., etc.

SOME MEANS OF CORRECTING FAULTS, SUPPLYING DEFICIENCIES
AND THEREBY HASTENING A BETTER CONDITION. THE
IDEAL INDIANS TO BE ENDOWED WITH LAND
IN SEVERALTY.

If each Indian be allowed and encouraged to take and hold in severalty a certain sufficient portion of his reservation or other public land, he will become fixed and individualized ; he will secure a permanent foothold from which no one can wrest him. Inspired by this permanency he will learn the pride of property, the sweetness of increase and the boon of industry. He will in time discover the secret of the white man's strength and give substantial security that he will be tame and bring up a tame generation.

Protected by a deed which the whole majesty of the law will uphold on tried supports, insecurity of home will become an unknown emotion and a growth of confidence in at least one direction must begin. As the long years of instability have sapped his trust, so will the years of permanence restore it. A feeling of self-confidence will spring up within him, the tribal bond will be weakened and a step will be taken toward assimilation with the whites—toward the ideal condition.

Each individual that is successful will inspire imitation till the desire for independent, secured homesteads becomes universal.

But this independence and self responsibility must not be enforced nor misconstrued. The Indian is an infant, a pupil, a ward ; to redouble the chances of success the present system of education in language, agriculture, milling and

mechanics must be preserved, in an improved and enlarged form.

Abundance of good, practical teachers should be provided by government till the Indians themselves become teachers. Knowing the Indian's native and acquired weaknesses, it would be folly to make him the ready engine in the hands of greedy and designing men. Therefore all power of alienation of his land should be denied him, all chances of encumbrance by mortgage or otherwise should be removed.

It might be well to keep at each agency as well as at the regular place of record a register of all lands conveyed in severalty to Indians belonging to that reservation, and to hold by law the agent responsible, as a sort of limited trustee, for the lands in question. The lands could be granted in base or determinable fee or species of fee tail. This tenure to obtain for about three generations and twenty-one years, and then by law a title by fee simple to vest in the right heirs or devisees. The title to the property, if desirable, could be qualified for a still longer period by a restriction as to alienation to any person of white blood, till such period as the government saw fit to vest a title in fee simple. The United States District Attorney or some responsible lawyer might be appointed counsel for Indians in all real actions unless the United States should be plaintiff or the action should involve two parties both having a right to the same counsellor, in which case some temporary additional appointment could easily be made.

TAXATION.

For the same reasons that the Indians ought not at once to be perfectly enfeoffed, they ought not to be subjected immediately to taxation. These additional reasons may be urged :

The whole habit of living to which the Indian is to be enticed is, as has been noticed, diametrically opposite to his natural mode of life ; therefore the road to the new life

should be made as straight and smooth as possible. Men do not seek to catch bees with vinegar. The Indian being in a state of infancy as to civilization, cannot be at once raised to a state of discretion. To whom much is given from them will much be required; so ought little to be required from them to whom little has been given.

It is not intended by this that the rash extreme be reached of absolving the Indian from all pecuniary obligations to either State or individual; but let his responsibilities be commensurate with his citizenship, his powers as property holder, and his abilities. Any extreme of favoritism will render him an object of jealous hate to his white neighbor. It might be a good plan to exempt the Indians from any and all taxes for the first five years after date of taking up land in severalty, and after that to gradually impose such light taxes in labor or money as may be deemed best; striving always to have some connection established between the imposition of a tax and the acquirement of a privilege.

I think it would be well to make the Indian's homestead non-forfeitable for a long period; provided that it be in use and possession of Indians. I cannot deem it best, except in case of prisoners of war, to lay any added pressure upon Indians unwilling to undertake the new life, for the defects of their present status and management seem forces quite sufficient to turn them into any road that leads to relief.

Generally the more possibilities of reward for labor that exist, the greater will be the inducement and encouragement to the laborers. I do not claim nor must it be considered that these views, imperfectly sketched, are altogether original or theoretical. I have seen them in practical operation. I have seen hundreds of comparatively well ordered Indian farms, the owners of which were little likely to try the hazard of the war path, and were only anxious for a guaranty of title. I have seen very many Indians braving taxation and all other responsibilities of state citizenship

who have taken up homesteads. The Indians of the Umatilla reservation feeling the hand of the white man at their throats are calling for small, several farms, so are the Nez Percés of Idaho; so are the Arizona Indians; so, I dare say, are others all over the United States. Are they asking more than their right?

But the United States does not even perform its positive treaty-stipulations in this matter.*

As to the taxation; let me add that at the councils which brought forth a very important Indian reservation and consolidation of Indians I saw many of them frightened from the individual and independent effort they desired, and driven from homes on to the new reservation by the bugbear of taxation; a means of intimidation and discouragement which avaricious whites are ready to bring to bear upon weakness and ignorance.†

RÉSUMÉ.

By seizing the Indian in severalty by at first such qualified tenure as may be thought proper and without taxation he will, it seems to me be separated from the tribal relation and become a responsible unit. He will be thrown upon his own resources and become self-supporting—his efforts at first to be aided by an enlargement of the present system of agents, farmers, teachers, etc. He cannot be wrongfully dispossessed and one cause of irritation and loss of confidence will be removed. Lastly it must inevitably change him from a wild and impossible life to the civilized life that is in accord with his conquerors and he will approach the ideal condition and his destiny.

USE OF COURTS.

This giving secure possession of land in severalty entails the practical operation of that abstract right which the

* See note page 20.

† The Republican Convention of Washington Territory, 1880, as an effort to secure justice to all parties, instructed their nominee for delegate, if elected, to use all honorable means to place the Indians of the Territory upon an equal footing with the whites.

Indian has to the law and use of the courts of law of the country in which he lives.

If any intelligent Indian was asked what were the two great troubles of his people, I think he would in substance reply—a lack of assured possession of our homes and an absence of any means for the orderly redress of grievances.*

The Indian's tribal and private wrongs are now righted, if at all, by merging the private in the tribal and then only after many councils, exaggerated demands—hasty promises and delays.

The plan of this essay will not admit a minute analysis of the legal status of the Indian, for it is a very irregular and indefinable one; varying somewhat in different states, but both under the federal and state laws he occupies an anomalous position. Though born in the United States and an aborigine of the country he is neither a citizen nor an alien. He has not even a small portion of the rights and privileges bestowed upon the domesticated African. An examination of the statutes concerning naturalization† will show that he is nowhere considered in them; and consequently can assume citizenship only by virtue of treaty-law or special Act of Congress. The multifarious provisions of treaties and the many legal complexions of Indian reservations leave the Indian's relation to the state and general governments as perplexing and incomplete as can well be imagined.

Individual Indians that have abandoned the tribal relation are taxed in all states and territories, yet in many are not admitted to state citizenship. They have no right of

*"The greatest want of the Indians is a system of law by which controversies between Indians and between Indians and white men can be settled without appealing to force." Statement of Joseph the Nez-Percé. See Report Commission Indian Affairs, 1878.

This conclusion of Joseph may have had its origin in the fact that before the outbreak one of his band killed a white man and was hung, soon after a white man killed one of Joseph's band and went unpunished.

†Sections 2,165-2,174 inclusive. Revised Statute United States.

action in the federal courts under the judiciary act;* and if they appear in either state or federal courts as parties to a cause it is by favor of some almost accidental special statute provision; for suits between Indians no jurisdiction whatever is provided and they are thrown back upon their own savage customs.

From this partial review it must appear that the legal status of the Indian has been left by the treaty-reservation system very confused, obscure, unjust and therefore unsatisfactory.

It is useless for a right to exist if the means of exercising that right be denied. Ought not then the privilege of naturalization with its attendant benefits at least be within the reach of such Indians who may choose to grasp it? But there can, I think, be no question that all laws of our country as to life, liberty and property should be extended over the Indian, except only where his peculiar condition of pupillage renders limitation or modification expedient.

The end to be aimed at is justice to all.

When a human being is in trouble he seeks instinctively consolation and advice as his first refuge. This great prop and pillar of safety is wanting to the Indian. Ignorant of our language and policy, a stranger in the place of his birth, for the most part ragged and poor, a hunter and fisher whose life is in his hand, or a struggling farmer in embryo; what prospect has he of submitting his cause to judicial arbitration? Even if the agent be in sympathy with him the agent cannot appear in court for him. In any well ordered system as little as possible should be left to chance or charity; therefore the Indian should be made to feel that he not only has every judicial right accorded the white man but that the power of exercising that right is easily within his own control.

If no other effect be gained, there will be the great

* 1789 (United States Statutes at large).

moral effect of knowing that the Indian had absolutely no excuse for taking the law into his own red hands.

As a mere hint I suggest that until an Indian becomes possessed of land in severalty and for so long thereafter as he shall not be seized in fee simple he shall have the right to the services, as Attorney or Counsellor of the United States District Attorney or some other specially appointed officer of the Court; and that it shall be imperative on this officer to undertake any proper case laid before him; and that a statement of any case which he will not undertake or diligently pursue shall be forwarded to the Indian office at Washington.

Of course in actions to which the United States is a party or Indians are plaintiff and defendant some substitutions must be regularly provided.

INDIVIDUAL RESPONSIBILITY OF THE INDIAN TO THE SOVEREIGN.

Any great facility given to the Indian to appear well-armed either as plaintiff or defendant before the majesty of the law, must enforce upon the United States the duty of holding each Indian responsible for all his crimes, but for his own crimes only.

The practice of demanding—that an offender be given up, or the whole tribe will be held responsible—throws the whole tribe into a position of *particeps criminis* and begets a feeling of alarm.

It retards civilization. It is as if England demanded that New York hunt and secure and surrender a fugitive or she would hold New York responsible.

It is not pretended that a strong sympathy does not generally exist between Indian offenders and their tribe; but it is thought the before-mentioned practice only strengthens the bond. Neither is it denied that it would often be extremely difficult to lay hands on the criminal and his accomplices; but the same argument applies to the "moon-

shiners" of the South; to every species of outlawry, where villainy baffles justice it is nevertheless generally considered better to follow the usual course of the law, with all force and vigor but to limit the attack to the guilty parties.

The "demand" plan is an outgrowth of the treaty system and its advantages are ease and cheapness (unless it happens to bring on a war.)*

It has been said that war is the natural state of man. If this be true it is so only from force of circumstances. All things being equal, animal life loves peace. It is not to be reasonably presumed that his essential and true rights being satisfied, the Indian will seek war from sheer love of it. War is not apt to issue from the courts of justice and peace, and I think that throwing open the courts to the Indians would be one other step toward the ideal condition. It would hasten his self-support and his assimilation to the whites.

EDUCATION.

Education is the bending of the twig. It is a very important element in the amalgamation or extinction theory and it seems to follow in close connection with land in severalty and judicial rights. It is the stepping stone to the good use of all rights.

And first as to language: this is the medium of communication of thought. If the media be different how hopeless the communication, how thin and weak the connection between the thinkers. Greece, Rome, Germany, Russia and England have each found the task of government made heavier by difference of language. It is like a wall set up between two people, and its retarding effect is typified in the story of Babel.

* Nez-Percé Joseph told the author that he was absent from his tribal camp at the time of the first murders (found to be a fact) but he joined the revolt thinking he would be held responsible for it any way; or that a demand would be made on him for the murderers, which demand he knew he was powerless to satisfy. This may or may not be true, in its entirety, probably not, but it is our own system that gives the excuse plausibility and has caused it to be urged many times by many Indians.

Individuals are miniatures of nations; and consider how slowly acquaintance progresses between them of strange tongues. The same mother tongue is a bond of union.

Add to this that one language has letters and accretions of thought, the concentrated ideas of centuries of human life; but the other has only the mystic traditions of a generation; then the barrier that exists between the two will be appreciated and the necessity of drowning the worse in the better will be felt.

This is done by educating the weaker race of the inferior language into the better language of the stronger race. Again we must note a neglect of the United States to fulfil their treaty obligations. Omitting many dead letter clauses in the various Sioux treaties, inserted in answer to petitions for schools, it will be sufficient to cite the educational clause in the Kiowa and Comanche treaty, which stipulates that for every thirty children actually wishing to attend school a building and teacher will be provided.* This obligation expires in 1888; meanwhile the government has fulfilled its solemn pledge by providing one school and one teacher. The building is crowded with seventy-five pupils while four hundred and twenty-five other children are anxious to be instructed.†

The unprovoked breach of a treaty is a national lie that no well constituted people can contemplate without humiliation if it be by themselves, and contempt if it be by others. But there are less lofty and more worldly ideas involved in this matter of Indian education.

The more quickly this wild lump of Indians is leavened with education the sooner will they be tame and government rid of the care of them and the fear of them.

If the government does not keep its promises it can hardly be expected to step outside of them and consider the subtle and weighty power of popular influence. That terrific force,

* United States Statutes at Large, Indian Treaties.

† Reports Commissioners Indian Affairs 1877-8.

the weight of mass, has been utterly disregarded in the slender educational support with which the United States furnishes its wards.

By the present plan a few children are taken from a vast herd of ignorant savages and being placed on a trembling basis of civilization are relegated to the herd whose mighty, almost, incalculable, influence soon levels all differences and checks all advancement.

Imagine a boy taken from the best of our public schools and thrown into the midst of hundreds of friends and relatives who are utterly ignorant of what he has been studying and constitutionally opposed to most that he has been learning. This is the influence that the Government disregards. It should endeavor to call this influence to its aid and have the barbarian swallowed up in a multitude of school children. The Government has in its hands what all scheming governments and creeds long for; the forming of the next generation. The United States should remember that the Indian boy of to-day will be the warrior of some day soon to come. The Indian girl is the future mother of generations.

No college is required, but a pure, strong, generous system of education. A federal common school system so ample that all could be accommodated and none turned away into savagery.

If the state be wealthy and wise the state will send the rootlets of its own common school system to tap the Indian reservations.

How different is the actual state of the case. For a total Indian population of 400,000 an estimate is made of 30,000 school children, exclusive of those belonging to the civilized tribes of the Indian territory. For these 30,000 children 121 schools are provided—of these 45 are boarding schools—some let out on contract—education to the lowest bidder, and 76 are day schools. Some of these schools, if not most of them, are supported out of funds held by the Gov-

ernment in trust for the Indians. The maximum aggregate accommodation of the boarding schools is 2,009 pupils per annum, of the day schools 4,682 ; total, 6,691 Indian children receiving a daubing of civilization to be wiped off by the other 23,309 little barbarians.*

Incentives to induce Indians to send their children to school could readily be devised, but none are needed. History shows that the Indian has been begging an education for his children, but the Government has no civilization to give him. I myself have heard the head men of several tribes say, "Give us schools, not for us, we are old, but for our children."†

Doubtless there are individuals and whole tribes that exemplify the hate which the Indian bears to the white man, his language and his manner of living. Barbarians do not always see any value in education. But this government's duty would be the same in any and all cases. It

* Statistics from Reports Secretary Interior and Commissioners Indian Affairs, 1877-79 inclusive. The following statement is from the Report Board Indian Commissioners, 1879 and includes the civilized tribes of the Indian Territory :

Number of Children of School Age (partly estimated) about,	-	46 000
Number who can be accommodated in Boarding Schools,	-	4 611
Number who can be accommodated in Day Schools,	-	13 290
Number of Boarding Schools 64 ; Day Schools 292,	-	356
Number of Teachers (estimated in part) about,	-	500
Number Attending School one month or more,	-	13 443
Average Attendance about,	-	8 000

Amount Expended for Education by Government,	-	\$168 202
By Indians from Tribal Funds,	-	169 899
By State Governments,	-	16 310
By Religious Society (partial reports),	-	24 943

\$379 354

Number of Indians who can read,	-	44 731
Number who have learned to read during the year,	-	4 367
Number of Church Buildings,	-	240
Number of Missionaries not included under Teachers,	-	154

From this will be seen the share which the Federal Government has in the matter of Education of its wards.

† Captain Pratt, in charge of the Indian Boarding School at Carlisle reports that he could have collected 3,000 scholars among the Tribes he visited. Report Commissioners Indian Affairs 1878.

has by its own acts made itself responsible for the well bringing up of its "domestic, dependent nations."

The worst day school would in my opinion be better than no school at all inasmuch as a snail's pace up Parnassus is better than eternally groveling at the foot. But it would seem that industrial boarding schools situated in the midst of the Indians would be the most efficient. The objection to boarding schools in our life is the want of home influence; this want becomes a virtue when that home influence is the very thing that is sought to be avoided. The industrial schools would remove the children from the daily contact with the things they ought to loathe, while locating them among the Indians would remove much anxiety from the parental heart. These schools would have the advantage of combining at once all the elements of the child's education; his study and mental labor could interchange with the more bodily pursuits of agriculture, carpentering, blacksmithing, wood sawing, cutting, sewing, cooking, washing, etc.

Each child should be an apprentice and retained until firmly settled in habits of industry and capable of exerting a good influence over others, then he or she could be the teachers of their wilder comrades. Moral excellence is undoubtedly the production of hereditary accretion and is modified by existing general custom.

Therefore the morals are capable of cultivation. But I apprehend that practice is better than precept and the culture must be slow. While by no means laying aside the "precept on precept, here a little and there a little," I would insist that all government employes who might come in contact with the Indians should be factors in his educational problem by being, each in his degree, an exemplary person. Especially ought this to be so in the case of teachers in the schools.

Nor does it seem intended by Divine law that morals should be forced upon any one before they have grasped

the principle. The days of the inquisition are over yet how many times we find some over-zealous person that wishes to thrust some new code of morals upon the Indian. And here is where wise discrimination must be made in extending the laws over him ; not having our enlightenment he ought not to be held to our responsibilities. For example : he ought not, I think, to be compelled to adopt suddenly our view that one wife at a time is enough for any man when for the life of him he cannot see why he should not have as many wives as his father and his father's father had before him.

The employés at an agency ought, I think, to be married, both because their morals and those of the Indian women are apt to be better, and because a good woman is a strong element in the education of any one, civilized or savage.

I must in connection with this subject of education notice one other governmental neglect.

The United States professes eagerness to reclaim the Indian from a nomadic and barbarous life, yet to immense reservations supporting thousands of Indians the government supplies one farmer at a salary of \$800, one miller, one blacksmith, one carpenter, to teach them all. At some reservations the influence of this minimum corps of instructors is like that of water dropping on a rock. Often the men have only the qualification that they followed the trade they represent. No fitness, no ability, no power of imparting knowledge to others. Common sense would seem to demand that the number of instructors bear some direct proportion to the number of pupils. Of these agriculture must and ought to take the majority, but the pursuits should be adapted to the wants and characteristics of the particular Indians.

If it be a logical sequence that education promotes civilization ; or that a common language promotes affiliation, then for the United States education of the Indian is the

best policy; because it is still another step toward the ideal condition and the destiny of the Indian. If the government asks for a plan, the Indian may reply, "Look around you." Every state almost furnishes a splendid system of public instruction and industrial houses of correction.*

I will dismiss this topic with the wisdom with which Mr. Justice Blackstone concludes his discussion of the poor laws of England. A pauper district then, by the way, must have borne no mean likeness to the present Indian reservation.

"There is not a more necessary or certain maxim in the frame and constitution of society than that every individual must contribute his share in order to the well being of the community, and surely they must be very deficient in sound policy who suffer one half of a parish to continue idle, dissolute and unemployed; and at length are amazed to find that the industry of the other half is not able to maintain the whole."†

UNEARNED GIFTS TO INDIANS.

Close upon the heels of the sower follows the sickle of harvest. The subject of annuities and gratuities to Indians seems in direct connection with that of teaching them mental and manual labor. I have, I trust, already partly shown the error of the system which pens the Indians in—often on worthless soil—and discourages them by leaving the fruit of their labors insecurely held. It is this system which begets

* Dr. Lowrie in Ninth Annual Conference of Missionary Board. This resolution as it stands is general, and might be included in the general appropriations for Indian work; but it seems to me to deserve consideration whether it would not be better to look to some proceeding by the Government by means of which we could reach a general system of education among Indians. As it now is it is a good deal fragmentary. In some Tribes a large expenditure is incurred out of the various funds. Some of the Boarding Schools have been supported out of the civilization fund. In other tribes little or no educational work has been done. It seems to me one of the largest subjects that could come before this body, and I would like very much to have a thorough understanding of the case, and see where this particular resolution should come in as part of that great subject which must come up for consideration among the American people. In the State of New York the tribes have a Common School system supported by the State, like the white children.

† Blackstone's Comm. Book, 1 Chapter ix, 365.

the promising of a sop in the shape of annuities and often renders necessary the charity of supplies.

Disregarding any such phase of the subject as belongs to common charity I desire to notice the mere act of giving that which has not been earned.

This act is open to at least two grave objections.

I. It tends to retard the Indian's progress by not teaching him self-support.

II. It encourages the idea that he is the wrongfully dispossessed lord of the soil, and that the white man owes him tribute.

As to the first: the wisdom of ages is condensed in the saying that he who sows shall reap, and if he reaps who has not sown the corn is like chaff in his hands. The gambler's profligacy is epitomized in the "easy come, easy go." It is this law of nature that is so powerful an agent in the quick dispelling of inherited wealth. So far as I know the philosophers from Solomon to Herbert Spencer have announced the law that what has not been earned cannot be valued.* The underlying principle is simply barter, or exchange. That is dear to us for which we have given blood, or health, or precious time in labor.

The Indian receives without working for the receipt. Therefore he does not appreciate the gift. Worse than that his natural, idle and improvident nature is cultivated by being ministered to. His helplessness is increased; there is a premium on idleness, and idleness is akin to dissoluteness. Thus the Government is pursuing a plan to pauperize and enervate its wards.

I would suggest that some real and certain value, however small, be set upon every ration and article of supply—of course when not in violation of any present right—and

* "Therefore the first necessity of social life is the clearness of National conscience in enforcing the law—that he should keep who has justly earned," . . . "And generally it is better for the maker to spend it, for he will 'know best its value and use.'" . . . Ruskin's Essay on "Work."

that each Indian be required to pay this value in service, goods or money.

The values could if necessary be classified so that the farmer novice would not be taxed so heavily as the expert. Be that as it might each article ought to carry with it a lesson in patience, skill, labor and independence.

The first axe should be earned by cutting wood or some other labor. The first plow should be bought with a certain amount of clearing or ditching done. The ration should be purchased with half a day's work, and the Indian would learn how ineffably sweet is that fruit which has been watered with the sweat of our brow.*

The question may be asked, suppose the Indians stubbornly refused to work? I believe such rebellious Indians would be so much in the minority as to be insignificant, but should they not be so they must be firmly dealt with. The control of Indians, however, properly forms a topic by itself.

The second objection to the free gift policy needs, in my opinion, little discussion. If the Indian flew to the horrid arbitrament of war rather than pay a reasonable price for his supplies it would be because the long giving of them as gratuities had confirmed him in his idea that the white man owed him tribute.

His fantastic notions as to his possessory rights receive encouragement in every gift which the Indian knows he has not earned.

Therefore I think it better to take still another step toward the ideal by setting the Indian up on a monument of self-support, not by at once cutting off government aid and supplies but by forcing him to earn them so far and as rapidly as is consistent with our treaty obligations.

One more topic will conclude my view of our Indian ques-

* The Indian office has already followed this plan as to luxuries, withholding Coffee, Tea, Sugar and Tobacco from those Indians who would not work. Great success is reported as the result of this partial experiment. Report Commissioners Indian Affairs 1878.

tion as a sole subject and I will then very briefly consider it in its relations to the army.

ADMINISTRATION OF INDIAN AFFAIRS.

Since 1874 and especially under Mr. Schurz the system of purchases, expenditures, fixing of responsibilities and securing the interests of the government, in the Indian office, has largely been remodelled and a system of guards and checks has been produced, similar to that of the quartermasters department of the army. The reports from 1874 to 1879, both inclusive, will show that most if not all of the looseness of transaction—and consequent temptation—has been removed and the punishment of fraud has been very successful.

When the means of detecting fraud are excellent and the punishment of it vigorous the plan is complete ; for no system of surveillance will produce an honest man from a thief.*

The next step in such a plan, or the first step rather, is to devise some means to secure trustworthy incumbents. For it is to be noted that in the Indian Department a fraud anywhere in the long chain from the remotest contractors to the resident agent is a great wrong which expends its force on the Indian. And it must be conceded that where thousands of dollars are distributed in the wilderness to ignorant savages, fraud will be very possible under any system that can be devised.† But the Government owes to its wards an able as well as an honest administration.

* Contract stores are inspected and compared with samples and inspectors held responsible. Open market purchases are discouraged and when made, regular approval of the Secretary of Interior must be obtained. Payments are by checks ; settlements of accounts are quarterly ; unexpended balances are covered into the Treasury ; expenditures must be covered by a very complete set of vouchers. All contractors and disbursing officers are under bond ; there are three Inspectors, two Special Agents, all salaried, and the Board of Indian Commissioners working gratuitously supervises all. "Method of doing business in the Indian Office."

† The Commissioner Indian Affairs in 1878 refers in his report to the vigorous prosecution of fraud in his department and the next year he is himself impeached by the Board of Indian Commissioners.

"As no branch of the public service offers greater opportunities for fraud and abuse, so no department is more vigorously and vigilantly administered with a view of protecting it against the pernicious practices formerly imputed to this branch of the Indian Service.

"In these reforms the Board has to the utmost of its ability supplemented the labors, watchfulness, and care of the Interior Department." (Report Board Indian Commissioners.)

I have before stated that it will not come within the plan of this essay to discuss the many subordinate details nor any such portions of the Indian management as have received common approval ; therefore I will only notice the means of securing an honest and able administration : 1. By appointment, and 2, by salary.

The theory of the present method of appointment of Indian agents is good in that it takes the appointments out of the sphere of politics, the places away from mere sharks of office, and throws the power of nomination into the hands of our best religious sects who feel themselves and their religion responsible before the world and who have or ought to have a proper rivalry with each other.

The inauguration of this theory was attended with a visible improvement in Indian management. But recently the theory has not been so strictly followed. The pressure of the politician has been too great and the theory is beginning to exist only as a theory, and is being negated by practice.*

* The following are extracts from the proceedings of Ninth Annual Conference of Representatives of Missionary Boards with Board of Indian Commissioners :

" Extract from conclusions arrived at by the conference :

" We present the following as our understanding of the substance of the original basis :

1st.—That the nomination of Indian agents assigned to the religious societies be wholly theirs.

2nd.—That when the nomination is accepted and the appointment made the agent is then a Government Officer and subject to all the regulations and contingencies of persons in Government service.

General Fisk—Why did so large a body of Friends withdraw from co-operation with us, if it is proper to know ?

Dr. Shippen—In what locality were their agencies ?

Mr. Smiley—In the Indian Territory and Kansas. The Friends withdrew from some dissatisfaction about the removal of their agents without consultation. I believe that is the reason. The committees of the different yearly meetings have given their reports in print.

Dr. Shippen—I put in nominations on behalf of our Board, but I am frank to say they have been ignored. I have no complaint to make.

Mr. Smiley—I presume the reasons for our society's withdrawing are well known to this Board. I supposed that society stood alone, and that all the other societies were

In my opinion the theory enunciated by President Grant should be carried out strictly. I cannot see how harm to the Indian service can result from entrusting the nominations of employes to the religious element, the moral element of the country. The nominating boards are plainly before the country and cannot avoid their responsibility to their own

treated with consideration, and that the Friends were set aside because they were supposed to be peaceable. This revelation shows that we are all in the same position. I do not know enough to know the difficulties which embarrass the department, but I do see this, that there is a very grave difficulty. The Society of Friends feel this way: that they took great pains to select men whose character they were willing to endorse. The Government paid \$1,500 and they added \$500 more to get a high grade man to take the place. Then when they found their men set aside and removed without any cause being assigned they withdrew, after a protestation which did not effect anything.

Dr. Strieby—We had originally six agencies. We have hitherto made the appointments, but two of the agencies have been filled not by our nomination, and we have therefore felt called upon, as we heard nothing from the agent, to drop them from our lists.

Mr. Kingsley—I think in my first interview with the Secretary of the Interior he dwelt specially upon the points which are brought out here. I suggested to him then that there was an opportunity in reorganizing the Indian Bureau that he should explain his ideas as to this peace policy as represented by these Religious Bodies and the Board of Indian Commissioners, and I stated that it had fallen somewhat into a mongrel condition, and suggested that it was a proper time for him in entering upon the duties of his office to go over the whole matter in the light of events as they then stood, and come to some settled determination whether or not the Religious Bodies should be recognized as co-operative. I said that I did not think the Religious Bodies would be willing to be held responsible for the administration of affairs over which they had not complete control.

Dr. Reid—But let us understand that if our nomination for Fort Peck does not suit we will get another, and if that does not suit we will get another, and so on until we cannot find a Methodist suitable for an Indian agent. In order to have this policy work it must be wholly with the Religious Societies.

General Fisk—From whom did they come?

Dr. Ferris—From Washington. The men whom we nominated on our own motion, on testimonials as to their religious and moral character and business capacity, every one of those men were objected to. There is something wrong about it. If the basis is changed we must consider whether we will go on on the new basis. If the foundation under us is moved we must consider whether we will go on on this new foundation, and I do not see how we can as a Board of a Church. I think we will have to stop. We have come very near deciding to make no further nominations, because such names are sent to us and the persons we nominate are objected to.

Dr. Shippen—It becomes apparent to me that we are fairly and squarely to confront this issue, whether the Government of the United States means to put the Indian service

society and to the people at large. I would suggest an invariable custom or common law placing the sole power of nomination in their hands. These nominations to be submitted to the President through the Indian office and by him transmitted to the Senate to be viewed "in the light of the public square."

in the hands of the Religious Societies or in the possession of that place-hunting partizanship, seeking-for-the-spoils element, which has been the discredit of our government.

Dr. Lowrie—Now if this Board would say to Secretary Schurz and to President Hayes, "We have heard statements which satisfy us that this attempt to carry on this peace policy—which includes the Board of Indian Commissioners—is in a critical condition; that matters are becoming very serious, and that the Missionary Boards are contemplating withdrawing; and if you should ask the Commissioner and the Secretary to reconsider matters carefully, I think you would do a good work and a work that needs to be done. We are all of one mind as to getting back to the original basis—that we ought to go back to the original plan of carrying on this work without the politicians."

Dr. Strieby—Our Board have protested by resolutions against the present practice of the Interior Department again and again, and the question has come up whether our usefulness has not terminated, and the motion has been made to have our connection with the service dissolved. The only reason why a year or two ago, our connection was not dissolved was that we were bound together by a comity that led me to intercede for delay; but we feel that we are doing nothing now.

Dr. Shippen—I care not whether you settle this question with the President, the Secretary, or the Senate Chamber; but somewhere or other it must be met. Let us go to the President and the Secretary and in all courtesy say that we wish to know clearly how it is. I think the Secretary would be immensely relieved if he would settle the matter one way or the other; and then if he indorses the Missionary Boards and says, "I stand with them and they with me, and I send their nomination to the President," and he presents it to the Senate, then the only matter at issue comes to the Senate, and if we are to be overruled let it be there; but I do think we ought to know whether our recommendation is good for anything.

Dr. Reid—When I send a letter nominating a certain gentleman for a certain agency, it seems as if some response should come to that; that the Department should make the nomination or signify that the nomination cannot be made, or that it is not agreeable to the Senate. We do not pay the slightest attention to whether the man is appointed or not. We do not care about the man we send in. We will nominate any number of men. But we do object to the Department saying, "You take Mr. Thompson." There have been several Mr. Thompsons. We think the whole trouble comes from that.

Mr. Jackson—Under the Presbyterian Church I have a field from British America to Old Mexico. I go into an agency, as I went into one one or two months ago, and I find the agent to be the biggest gambler in all that region, nominated, or supposed to be by the religious societies. The disclosures here relieve my mind. A few months before I was at another agency and I found the agent drunk, and they said that was his habitual practice. I knew what Church was supposed to nominate that man, but I have found from the remarks just made that the Secretary nominated that man over the head of the Society, but they had the credit for it. I know of Agencies where the Agents are professional gamblers.

Under Article II, Section II, of the Constitution I presume it remains for the Presidents alone to erect a barrier against politicians by establishing this common law.

The nominations having passed these trials it is fair to presume that good material would have been secured, and therefore, following the principle governing the appointment of the Judiciary of England and the United States, independence of thought and act and entire devotion to duty should be encouraged by making these appointees only removable for cause.*

Nor ought, I believe, the subordinate employés to hang by the favor of the agent, except only the agent's clerk,—who must be his personal staff officer—and the temporary laborers or occasional employés of the agency.†

The more insignificant employés could be appointed by the Secretary of the Interior, but in justice and to secure consistency and co-operation, only then put in nomination by the proper religious society.

SALARIES.

Just as guards placed over a thief do not make him an honest man, so an honest man will not become a thief because he is poorly paid. Yet the laborer is worthy of his hire, nor ought temptation to be wantonly thrown before any one.

* Nevertheless we had very excellent results in some places. We have I think the model agency of the whole work. It has become so because the agent has for so long a time been continued in the field. The Washington Conference, of which Father Wilbur is a very efficient member, in its last Annual Report makes a most earnest protest against the frequent changes made in Indian agents, and they point to this agency as showing the results of the long continuance of this man in that agency.—Dr. Reid in Ninth Annual Conference Representatives of Missionary Boards, 1879.

† The system of permitting agents in all cases to choose agency employés from among their relatives and friends having proved disastrous to agents and disadvantageous to the service, has been changed.—Excerpt Report of Commissioners Indian Affairs, 1878. See also Mr. Barstow, in Eleventh Annual Report Board of Indian Commissioners, Dr. Reid: I want to say one word with regard to the importance of nominating the subordinates. I think that the appointment of subordinates was originally with the department, and that the nomination was made by the agent. The nomination was with the agent, and he selected his subordinates in the beginning. The importance of the matter of the appointment of subordinates is very great to us.—Excerpt Report of Proceedings of Missionary Boards, Ninth Annual Conference.

The question of sufficient salaries as a means to secure honest administration was well considered by the founders of our government, who answered in the affirmative; for they built upon humanity.

There are now seventy-four agencies ranging from the diminutive Chehalis reservation to the vast territories of the Sioux and Blackfeet. Some agents have ten-fold the cares and duties and responsibilities that others have, yet all are paid alike, and each is paid a sum ordinarily insufficient to secure men with characters and abilities commensurate with their work.

An agent is paid \$1,500 per annum, a head farmer or blacksmith from \$500 to \$800. The highest sum allowed to be expended on employes at any one agency is \$6,000, which by special authority may, in exceptional cases, be increased to \$10,000.

Aside from the general law that merit has a money value, it may be sufficient to remark that so far as I can ascertain, all who have investigated the subject recommend a wise liberality on the part of the Government in securing abundant and good educators for its wards.

This question of salaries is intimately associated with the subject of education, and by failing to bid a price high enough to support and reward honest and able men living in the wilderness, often in hardship, the Government is blind to that great natural law which brings the ears of wheat from one little grain and propagates with almost equal facility virtues and vices; save that as vices require no cultivation of the will and morals they are of readier and weedlike growth. The practical money question faces the United States: is it cheaper to educate your wards out of wardship or to be eternally thrashing them with one hand and holding out sugar plums in the other?

SOME PHASES OF THE INDIAN QUESTION WHICH RELATE
DIRECTLY TO THE ARMY.

The proposal to shift the Indian management from the

Interior to the War Department has received Congressional condemnation.

The Board of Indian Commissioners speaks of this proposition in terms of horror as an outrage attempted on a feeble race. While not agreeing with the honorable Board in its conclusion, so forcibly expressed, I can still see many reasons why, for the Indian's good, the transfer should not take place; but I can see even more to my satisfaction why, for the good of the army, its skirts should not be defiled and its overburdened shoulders laden with such a load.

The Indian Bureau will always be the theatre of rings and speculation. No matter what the restraints the possibilities of fraud must exist in such a combination, and the practice of fraud must necessarily be increased under the patronage of politicians. Transferring the Indian management to the army would inevitably throw open the door to political intrigue for the rewards and spoils of Indian service. The army must inevitably become the refuge of scheming men who would seek that path to the places they coveted. It would be an element of corruption within a healthy body. The temptations and responsibilities of officers already in the service would be increased. They would be played upon by contractors and hampered by politicians, and altogether for the army I see in such a step, no glory, increased labor and doubtful honor.

But the proposition was doubtless made from a desire to have the Indian in strong hands, and still more from a sentiment recognizing the justice of permitting the army to have some influence over the management in peace of them they fight in war.

DEPARTMENT COMMANDERS TO INSPECT INDIANS OF THEIR
DEPARTMENTS.

This sentiment like all instinctive ones has a foundation in truth. It is manifestly inconsistent and unjust to require the army to rub shoulder to shoulder with the Indian, to

see abuses or practices existing that are precipitating hostilities and yet to be utterly powerless till the war cloud has burst. In short, the army's vital interest in the Indian question ought, in my opinion, to be recognized. A very slight recognition would be sufficient; no absolute power or intermingling of jurisdiction is desirable.

The heterogeneous elements which make up our Indian population must be treated by a system that has as many hues as the shades of the spectrum, and yet is as general as the white light. Coast Indian, Plain Indian, Mountain Indian, Tame Indian, Wild Indian, Indians of many differently organized reservations must be played upon by one great uniform system of laws and customs; yet the system must admit of flexibility to special cases. I have endeavored to hint at such a one: as a part of it inspectors are needed to supervise, control and correct, to point the proper modifications of the general principles. Agent Wilbur, keen, earnest and long in the service, regretted to me the absence of resident general superintendents of the various Indian districts.

General Schriver, whose opinion as to inspections will be respected, said to me that there was an infinite good in the theory and practice of independent inspectors—"inspectors from the outside" he termed them.

The Indian service has its three special inspectors and its two special agents, and the Board of Indian Commissioners, yet none of these combine long continued residence in the district with an entirely impartial and exterior view of the service.

It occurs to me, therefore, that it would be well to recognize the army's intimacy with the Indians by constituting military department commanders, *ex-officio* inspectors of the Indian service within their own departments.* They should have full inquisitorial powers and might submit reports in

* The Department Inspector might by special authority from the department Commander be constituted his proxy.

duplicate to the Secretary of War, one copy to be transmitted to the Secretary of Interior. Or more direct communication of ideas could be provided. This would bring to bear upon the Indian management the experience, honor and known reputations of gentlemen used to the governance of men, familiar with the Indian's peculiarities, and also with the technicalities pertaining to issues and expenditures. Such power in the hands of such men would, in my opinion, be like the President's veto: sufficient for all practical purposes.

INDIAN REGULAR CAVALRY.

I think it would be well to give the army one other slender thread of communication with the Indians. I cannot admit that the profession of arms must demoralize or does demoralize good material. From the success attending the use of enlisted Indian scouts in the departments of Dakota, Arizona and Columbia, I am led to infer that two regularly organized regiments of Indian cavalry would be of advantage both to the army and the Indian. The martial spirit of the young men, their vanity as to uniforms, their pride of service under white officers could all be utilized to secure to the United States the services of men unequalled in their powers as children of nature and to the Indians the advantages of contact with whites, drill and discipline.

The Government has found and does find it expedient to summon these crafty warriors to its aid in time of emergency. They come hastily, poorly equipped and nothing disciplined. They have been used successfully time and time again against their own tribe and against their species.* Why not then organize the make-shift into a permanency? I forbear to instance the Sepoy regiments of Indian because the people are so entirely different, but it seems that our

* I cite from memory: Sioux against Sioux, 1875; Nez-Percé against Nez-Percé, 1877; Pi-Ute against Pi-Ute, 1878; Apache against Apache, 1879, and Indians of different tribes have by the white man been pitted against each other from the time of the first settlement till to-day.

own Indian history approves the plan. Two regiments of Indian cavalry, if they did nothing else could be raised in local detachments and would supply the place of the evanescent yet perpetual bands of employed scouts. They would be the finger with which the government could feel the Indian pulse.

CONSOLIDATION OF INDIAN RESERVATIONS.

It is the avowed policy of the present Secretary of the Interior* and Indian Commissioners to gradually concentrate all Indians upon a few principal reservations. This policy will probably be continued.

The advantages of this course are : (1) that it would force upon the War Department a policy which—in the minds of many military men—should long ago have been adopted, viz. : the concentration of the military force in large posts where all the benefits of massing would be felt, drill, discipline, readiness to move in a body, rapidity of concentration, smoothness of manœuvre, mutual acquaintance of the integral parts, etc., etc.

These posts would be situated with a general relation to the large Indian districts, and from them scouting parties would radiate and outposts would probe the country.† (2) The consolidation of reservations would render necessary fewer agents and the standard and salaries of those remaining could be raised. (3) Supplies could be more easily distributed and general management would be concentrated.

The disadvantages are : (1) That there will be a ten-

* Personal conversations with the author. Also see his official reports.

† This subject is so dear to every military man that has seen men, officers and buildings stagnating at our wretched little posts, that I cannot forbear thus to digress and call attention to page 174, Et. Seq. of the excellent article on "Military Education" by Prof. Michie in Vol. 1, No. 2, *Journal of Military Service Institution*. There is probably no just doubt in the mind of any military man that to render any army effectively stationed it should be resolved into nuclei each post being independently strong and effective and within supporting distance of its neighboring posts.

Especially should this be so with our attenuated army whose posts should be the nervous ganglia along the backbone of the frontier and the scouting parties and temporary outposts the filaments of the nervous system.

dency to carry out a pet project and to force consolidation against the will of the Indians.* And, (2) That under the present arrangement of things the overworked, underpaid agents and teachers will have still more responsibility thrust upon them and the strangers must suffer. (3) And experience has shown the uprooting and coalescing of Indians to be dangerous to peace,—a discordance of elements and violation of justice which could not have been foreseen, often the result. Therefore it seems to me better to bring this concentration about by so re-arranging the system in which the Indian now lives and moves, that it will be accomplished by the natural play of the Indian mind working in larger grooves.

What this more liberal system should be I have tried to indicate in this essay.

CONTROL OF THE INDIAN.

A large mass of our Indians have not as yet been appealed to, still less controlled. When the courts of peace have failed then the strong man of government must step upon the field. There remains for disobedient and rebellious Indians who defy the law only the control of a force so comprehensive that resistance a second time is not thought of and the folly of opposition is made clear. This force is the army, which in every well ordered system should be so constituted as to apply the logic of force in the calmest, briefest manner.

But on the contrary how humiliating are the facts. Each Indian war begins and is often continued by the massacre of the feeble force that in honor bound hastens to the field.†

* At the close of the Bannock and Pi-Ute campaign of 1878, the Malheur reservation was vacated and 600 Pi-Utes sent to the Yakima reserve at a cost of \$50,000. This was against the will of the Yakimas from the beginning. In consequence trouble has been constant between the two tribes. Now the Pi-Utes have received permission to occupy their old reservation. Result—nothing gained—a large sum of money and many lives lost. If the Pi-Utes had forfeited their reservation and were to be moved would it not have been better to have expended the money in a removal to some place where the governmental resolution could have been adhered to?

† The instances are too sadly numerous. Every army officer probably has lost a friend in some needless slaughter pen as on the Rosebud, in White Bird Canyon, White River, or the many instances given in General Fry's book of "Army Sacrifices."

The dignity and logic of a sovereign government is lost in the skeleton ranks, the hasty expedients, the trembling recruits and the necessary but vexatious delays.

Other malcontents are encouraged, in fact all the miseries follow that befall putting forth the shadow for the substance.

What is needed is a rational approach to that other and worse extreme for peacemaking, which I have called the instant crushing to annihilation. But the phrase must not be misunderstood: it means nothing inhuman or unjust. In practice it only means an army sufficiently large, well equipped and disciplined; which being distributed in efficient masses will control the Indian; first by being seen, next if need be by being felt. If asked to briefly particularize this truism I would be tempted to say: large posts—regimental, if possible—with appropriate dépôts, good roads, telegraph lines, good transportation, boat and wheel, and as far as possible steam. An incessant radiation of scouting parties, etc., full companies, fully officered; staff and line each performing their appropriate duties and receiving stimulus and reward. I have here partly reviewed what has been before written in this essay, but the vital interest of the subject to the army must be my excuse, and before leaving it I must say what others have so often before uselessly said, that I cannot think it wise in any government to discourage its young men by this "Indian war, not war" technicality which denies to their proud young hearts the honorable vanity of an empty brevet.

The army on its present footing and arrangement sees every Summer its Indian campaign protracted till snow flies in the mountains.

Congress and the Nation do not seem to think as the army does in this matter; perhaps it is because they and we know that some day this Indian question will cease to trouble us even if there be no army at all. Time cures all things, and makes the crooked straight.

FORGIVENESS OF REBELLIOUS SUBJECTS.

When the army has quelled an Indian insurrection the hostiles are generally remanded to the Interior Department. Sometimes a course is pursued that gives rise to the remark—"To be petted and famous an Indian must take the war path and massacre some people." The nature of all laws is vindictory but not vindictive. Undue mitigation or unreasonable pardon is almost as bad in its after effects as tyranny. It is the object of human and divine law to contrast strongly the conditions of the good and obedient with those of the bad and rebellious. No mistaken sentiment therefore ought to be allowed to put the good and the bad on the same level. It has been said that the lawful punishment of the first offence in a community retards the second.

No matter what the provocation the rebellious subject must be punished in some degree. And that visibly beyond the inseparable accompaniments of his own act. The moral principle of impartiality, which is a form of justice, demands this. I think then that any sudden forgiveness of the gross misdeeds of Indians is a wrong to themselves, to their people, to the injured parties and to the body of citizens.

It is a wrong to the offenders themselves for they go unrebuked and untaught, and their enemies cherish an additional grudge against them. It is a wrong upon their people because the innocent are tempted to follow a bad example, and are treated as the guilty are. It is a wrong to the injured, for the law has not been vindicated in their behalf. It is a wrong to the body of citizens, for encouragement may be given to others to do likewise.

I suggest that some just plan be devised for invariably punishing rebellious Indians.

Let the method in which they have conducted the war be considered in mitigation or aggravation.

Let them be deprived of the implements of war and hunting.

Let them be isolated from their old surroundings and

compelled under proper instruction to engage in civilized pursuits as convicts.*

Thus their punishment will be a chastening, and like most proper punishments, human and divine, will end in their taming and elevation.

The modern penitentiary systems are based on similar ideas; the fundamental idea being—vindication of the law by a chastisement that involves instruction and elevation.

Somewhere on the 151,000,000 acres of Indian lands place could be found for the instruction of Indian convicts who had forfeited some of their rights. The Indian territory seems a proper location. A controlling force in the shape of a military post would be required, but I think the convicts would give as little trouble as the Modocs and Nez-Percés do now.

In every system of punishment for Indians, Indian schools should have a place.

CONCLUSION.

I have now finished what I feel to be a very imperfect essay on a subject embracing important civil, military and philosophical interests. The American Indian though really an insignificant element in the future of our country or our civilization, is yet a man, and in the eternal halls of justice and wisdom stands on the common footing of humanity.

In years to come when this strange people shall have passed from the earth, or even when, Rommany like, a degenerate remnant still survives; the civilization of to-day, that brodered its skirts with the blood of barbarians, will be looked back upon with an increasing interest and the mysterious aborigine will have a national existence only in museum and volume.

I have endeavored to show that the uncontrollable destiny of the world, forces upon the United States an inability to

* "Convicts" does not (necessarily) mean as prisoners, of course the mass must be at large. I have seen this theory in practice on a small scale and it was highly successful.

keep their promises made to domestic, dependent nations or individuals that have not the means of enforcing the obligation.

I desired to show that giving the Indian a strong legal foothold on the soil, would remedy many defects and support him on the majesty of the law. To this end, the law must be extended over him, and law by regular means, not force nor irregular means, will undertake his defence or punishment.

I considered in natural consequence of this that the Indian tribes must be analyzed into individuals and the pernicious habit be abandoned of seeing only a few head men and being blind to the mass behind.

I tried to show that the policy of this Government requires individual responsibility from all indwellers.

I hoped to prove that education of the growing generation is the great lever in the civilization of any people.

I tried to demonstrate that unearned gifts are enervating as taking away the stimulus to effort and self support.

I merely touched on the topic of administration of Indian affairs, saying that corruption anywhere in the Indian office meant wrong done to the Indian. Also noticing the means of securing efficient employés.

I suggested that while good Indians were not sufficiently instructed and encouraged, the bad were not sufficiently controlled nor systematically punished. And I glanced at some relations which the Indians have to the army.

These are, I believe, the principal points in my survey of the Indian question and, as before said, in treating of them, both as to errors and remedies, I have not elaborated those details which belong more properly on the statute book or in an exhaustive treatise rather than in a general survey.

I have not noticed the situation of Indian affairs with our neighbor, British Columbia, for though England has refrained from treating with Indians or officially recognizing tribes, yet her ease in the Indian problem is due essentially

to the very fact that the Indian has not been disturbed by an influx of population. Therefore no just comparison could have been made.

Neither have I noticed the intensely interesting ethnological phase of the Indian question.

It would have been entertaining to have marked the difference caused by different foods, climates, occupations, etc. To have noticed how and why the Coast Indian loses his independence first because of his habits as well as because he is on the perimeter of the continent ; how the Plain Indian is next driven, and how as in all countries the mountain savage retains his independence to the last ; to have glanced at the powers of memory, deduction and induction.

But I am not competent to enter upon such a subject nor in my opinion are the influences involved so immediate or controllable as to render them very pertinent to this essay.

It must suffice to remark that the instruction of Indians should in the details be regulated somewhat by these considerations.

The fisher Indian on the sea coast will find agriculture a harsher study than will the hunter Indian of the arable plains. But the maxim of the poor Mahometan is universal and must echo from the mountains to mingle with the roar of the surf : " One hour in doing justice is worth seventy years of prayer ! "

The destiny of the Indian I have pronounced to be extinction ; first as a race, then as an individual ; but I have urged that the corner stones of any Indian system be truth and justice.

Men know that nature has a retribution all her own. Therefore let his annihilation not come upon him corruptly as by firing his forests and tented dwelling places ; nor suddenly as a frost in the night ; but let it steal upon him with all the tenderness of sleep ; so that no man can say : now the beginning of the end has come. Let him die from among us as by a euthanasia so kind that it is as if Nature

—his mother—placed her foot upon his cradle and rocked him to his grave.*

*The rough draft of this essay was entirely completed before any works or treatises were consulted; but by the foot notes given and by the subjoined excerpts it will be seen that hardly an idea in the essay can be claimed as original in the sense of novel. While this coincidence of thought is not consoling to vanity *it is suggestive as to the truth of the theories evolved.*

REPORT BOARD OF PRESBYTERIAN MISSIONS, 1879:

They should be placed under the protection of the law; they should own their land in severalty; they should have common schools for their children, supported for the present by the general government; they should enjoy the benefits of missionary labor, under the charge of all evangelical denominations; and then they will eventually become qualified for the rights and duties of citizenship, and for the privileges of the Church of Christ. It is by no means labor in vain that is given to Indian evangelization, and thence will follow the best civilization.

RECOMMENDATIONS OF BOARD OF INDIAN COMMISSIONERS, 1879:

1. Legislation to confer titles in severalty, with limitation as to alienation.
2. Legislation for protection of rights of Indians as between themselves and others.
3. Liberal appropriations for educational and industrial schools.
4. Appropriation for employing competent farmers and matrons, with adequate compensation, upon each reservation.
5. A stringent enforcement of the law prohibiting the sale of spirituous liquors to Indians.



ROGER WILLIAMS' RECEPTION BY THE INDIANS.

"OUR INDIAN QUESTION."

BY CAPTAIN E. BUTLER, 5TH INFANTRY.

THE condition of the Red men of the North American continent when they were first met by their white brothers, was as low as that of any race of which history has preserved a record. In intellectual development they were but one remove above the wild animals they hunted—they had no science, no art worthy of the name. They had no industry, no manufactures. Their vesture was the skins of beasts killed in the chase and the flesh of these furnished almost their only means of subsistence. They knew nothing of instruments of iron. They had no domestic animals, their agriculture was limited to the cultivation of a little maize to supplement the produce of the chase. Even this scanty crop was raised by the labor of the women. The Red Man was a polygamist and the Red Woman was his slave—the slave of his lust, his indolence and his pride.

The religion of the Red Man was a mixture of polytheism and fetichism of the lowest and most depressing description. He made gods of trees and stones, of the phenomena of nature, of birds or animals possessing some singularity of form or color. He believed in magic arts, amulets and charms. In his sombre imagination his gods only existed to torment and persecute him. He tried to assuage them in, or propitiate their favor by bloody sacrifices. He was in constant fear of the spirits of the dead. The Great Spirit was powerless for good. The Evil Spirit was omnipotent for harm. The latter was the chief object of his worship, the deity to whom he made his choicest offerings. He had no idea of future punishment for crime. He did not believe that his actions in this world had any relation to his after life in the happy hunting grounds. His

theory of his creation—when he had any—was obscure and absurd. In general, he knew that he existed and nothing more.

The Indian had no laws for the punishment of crimes. Murder was the only wrong, and that was punished by private revenge or condoned on composition. His only history was a wild and unstable tradition. His life was a state of continued alarm. He slept upon his arms, for he was hunted by his brother Indian and hunted him in turn as he chased the wild beasts which furnished him his clothing and his food, except that he did not savagely torture the latter as he did the former.

The proud possessor of illimitable regions, as poets delight to picture him, had nothing he could call his own beyond the weapons he carried and the skins that covered him. His "broad acres" he held only until stronger tribes coveted them, and took them from him because game was more plentiful on them than in their own hunting grounds. He breathed an atmosphere of blood. Personal enmities and rivalries in his own tribe—tribal feuds without it, transmitted from savage sire to son for generations—caused his hand to be against every other Red Man and every other Red Man's hand to be against him.

Inter-tribal wars were not waged merely to subdue, to dispossess, to expatriate: their end was annihilation. In these contests, the conquerors spared neither age nor sex—the squaw tottering under the weight of years, the child just newly born. They reasoned that children spared grow into warriors and warriors beget others, so they killed all. The Indian victor's policy toward the Indian vanquished was extermination. Their truces were of short duration. They observed the conditions only until they could take the enemy at a disadvantage. Their teaching was equal to their cruelty.

The claim of an Indian tribe to the country they hunted in was respected by other Indian tribes so long as the

claimants were strong enough to make it respected and no longer. It is more than doubtful whether, at the time of the settlement, a single Indian tribe was living on territory which it could justly claim as its own country. The right of the tribes to the lands they occupied at that time—as well as more recently—was purely and simply of the same nature as that of the European governments which disturbed them: the right of conquest.

The Iroquois Confederacy killed and conquered the people of its own race from the Hudson to and beyond the Great Lakes, to the Illinois and Michilimackinac, to the Sandusky and the Miami of the Lakes—to Montreal and Lake Superior. By these leagued tribes the Algonquins were harassed and scattered and several of their tribes conquered and exterminated. They crushed the Delawares—the noble Delawares of Romance—"made women of them," took their land from them and afterwards sold or ceded it. They drove the Wyandottes from the valley of the St. Lawrence. They destroyed the Eries and blotted their tribal name out of history.

The original location of the Iroquois was north of Lake Superior. They removed thence to avoid their hereditary enemies, the Wyandottes and Algonquins. Then they vanquished and expelled the Shawnees and took their country. They procured fire-arms from the French and Dutch—then turned upon their old foes of the Wyandotte and Algonquin races and almost exterminated them. They relentlessly pursued the scattered remnants and compelled them to seek a refuge among the Sioux, then west of Lake Superior. They pushed their career of conquest to the Mississippi. By them the Illinois were decimated; a bloody work which the Sacs and Foxes afterward carried on to extermination. The Cherokees exterminated the Eucheas and took their country. The Creeks conquered the Natches, the Savannahs, Oguchees and other Florida tribes. According to their own tradition, the Sioux

drove the Iowas from the Saint Peter's "because there was plenty of buffalo" in that region. They expelled the Cheyennes from the Cheyenne River for the same reason—forced them to seek a home further west and subsequently drove them still further toward the setting sun. There was continuous warfare between the Sioux and the Sacs and Foxes, the Winnebagoes and the Iowas, and Pottawattamies and their numbers were rapidly diminished. The Chippewas were at war with the Sioux for three hundred years and finally drove them out of the country they had seized. The Sacs and Foxes, who afterwards occupied that region, were also driven thence by the Chippewas: and the former in their turn destroyed the tribes of the Illinois and seized upon the Rock River Valley. Every rood of the territory claimed by the Chippewas was obtained by conquest from other Indian tribes.

The Assiniboines—who seceded from the Sioux—engaged in incessant war with the parent tribe. The Poncas have been driven by the attacks of the Sioux to ask for a removal. This fierce tribe—the Sioux—committed constant outrages and attacked and murdered the Winnebagoes, the Omahas, the Ottoes and the Missourias in their own country. By their unrelenting hostility, they forced the Pawnees to leave their country north of the Platte, and seek a refuge south of that river. Even this they were subsequently compelled to abandon. In short, if the Pawnees had not been removed the Sioux would have killed them off in detail. The history of the aborigines in their transactions with each other is a frightful record of cruelty, robbery, treachery and blood to which the annals of the human race afford no parallel. The most unrelenting and destructive enemies of the Indians have been the Indians themselves.

When our knowledge of the Delawares commences, they had been conquered by the Iroquois and had submitted. The record of a council held at Philadelphia in 1742 shows us the attitude assumed by Indian conquerors to the con-

quered of their own race. The Iroquois had appealed to the Governor of Pennsylvania, as the acknowledged paramount authority, to remove the Delawares from a tract of land which they had ceded to Pennsylvania several years before, but the possession of which they refused to relinquish. The complaint was made in open council. Both tribes were present. The representative of the Iroquois announced the decision of his tribe to remove the Delawares and compel them to go beyond the Delaware River. Addressing them, he said: "Cousins, let this belt of wampum serve to chastise you. You ought to be taken by the hair of the head and stretched till you recover your senses and become sober. How came you to take upon you to sell land at all? We conquered you. We made women of you. You know you are women. And is it fit that you should have the power of selling lands? You would abuse it. The land you claim is expended. You have been promised with clothing, meat and drink by the goods paid you for it, and now you want it back again, like children as you are! For all these reasons, we charge you to remove instantly. We do not give you the liberty to think about it. Don't deliberate, but remove and take this belt of wampum. It forbids you, your children and grandchildren to the latest posterity, for ever, to meddle in land affairs. Neither you nor any who shall descend from you are ever hereafter to presume to sell land.

"In memory of this, you are to preserve this string. We have other business to transact with our white brothers, so leave the council and think over what has been said to you."

From the beginning of the struggle for independence, the Continental Congress spared no endeavors to induce the Indian tribes to remain neutral. Commissioner after commissioner was sent to them, council after council held, and address after address issued to them. But to no purpose: after a season of ambiguous declarations and deceitful delays, almost to a man they took up the hatchet against the patriots.

The United Colonies were poor in money. They could not vie with the British Indian Department in the bestowal of presents upon the Indians, who deeming the richest also the stronger—Indian like—embraced the cause of those they believed to be most likely to triumph.

With the exception of a few Oneidas and Tuscaroras who acted as guides and scouts, and the Stockbridges of Massachusetts who raised a company, every tomahawk and every scalping-knife was against the Americans. How they used their savage weapons—what merciless, perfidious foes they were, history tells on one of her bloodiest pages—perhaps the bloodiest page. She shows us Joseph Brandt—the fierce Shayendenega—with his Iroquois, tomahawking the sleeping settlers in the devoted Mohawk, Schoharie and Wyoming Valleys, sparing neither sex nor age, torturing, plundering and destroying—not meeting the patriots on the field and fighting a manly fight—Brandt never attacked troops—but striking defenceless settlements in the dead and darkness of night and going from dwelling to dwelling, burning and massacring old men, women and children. She shows the Indians killing and scalping the wounded under the surgeon's care, at Minisink, and the civilized, educated, Christian Indian, Brandt, burying his tomahawk in the brain of Major Weidner, whom he personally knew, as that officer lay wounded and dying on the field.

It would take volumes to record the atrocities committed by the Indians during the Revolution on the frontier settlements of New York, Pennsylvania and Virginia. Even to read of them after time has rolled a hundred years over their memory makes the blood run cold and drives the reader heart-sick from the page. The last blow aimed at the regular troops of the Colonies was dealt by the Creeks when they made a treacherous night attack on General Wayne's forces in the neighborhood of Savannah. The debt this Government owes the Indian tribes for their part in the war of Independence is one which a civilized and Christian nation can not pay in kind.

After Great Britain had withdrawn her forces—after peace had been proclaimed—the Indian tribes of the West refused to bury the hatchet. They still continued to plunder, burn and destroy settlements. From the peace in 1783 to 1790 the Indians on the Ohio, and the frontiers, wounded, killed and led into a captivity worse than death, more than fifteen hundred men, women and children. They took two thousand horses and seized and destroyed a vast quantity of property of all kinds. The Government made every effort to effect a peace by negotiation, by without avail, and in self defence it was compelled to have recourse to hostile operations.

General Harmer was badly beaten by the Indians, however, and St. Clair who came after him disastrously defeated. Before General Wayne was sent against them with another expedition, commissioners were sent to endeavor to arrange a peace. They were massacred. Nevertheless, when General Wayne reached the Indian villages, he sent messengers to the Indians asking them to meet him in council with a view to concluding on permanent peace. But they were determined on hostilities and, pacific measures being fruitless, Wayne attacked them and gained a decisive victory. As is usual when they are beaten, they began to think about peace.

The retention of the frontier posts by the British led the Indians to believe that their late allies would soon renew the war. The efforts of Brandt and the Canadian authorities were constantly employed to prevent the conclusion of a permanent peace. We have it on Brandt's own authority that endeavors were making to form a great Indian confederacy for the purpose of hostile operations on an extended scale against the United States. The Indians were given to understand that they would receive assistance from their English brethren but they got nothing from them beyond supplies of ammunition. The British authorities then seeming to wish that a peace should be

concluded Brandt with the Six Nations tried to bring it about, when, to use his own words the United States were so desirous of it, that they sent commissioners from among their best people to try to make peace with the hostile Indians. But when the Indians were on the point of making a treaty with the commissioners they found, to their surprise that it was opposed by those acting under the British Government and hopes of further assistance were given to the western Indians to encourage them to insist upon the Ohio as a boundary between them and the United States. They were also incited to continue hostilities by envoys from the Spanish settlements on the Mississippi, offering and promising them assistance from the Spanish and French settlements in the Southwest. They were assured by these emissaries that the Creeks, Cherokees, Choctaws and Chickasaws were on their feet, with tomahawks uplifted, ready to strike the common enemy.

At a council held at the mouth of the Detroit river with the hostile nations Governor Simcoe and Brandt advised them not to accept any terms of peace that did not give them the Ohio as a boundary. The Governor even proposed that they should convey their lands west of the Ohio to the King that a pretext for armed interference might be afforded. At the same time, as some of the chiefs, with customary duplicity, were holding a council with General Wayne, they were advised to amuse the Americans with a prospect of peace until spring, when the Indians could fall upon them unexpectedly and conquer them. The English would then be ready to attack the Americans on all sides and drive them back across the Ohio. This advice was adopted.

The treaty negotiated by Mr. Jay between the United States and Great Britain put an end to the hopes of the Indians, and they made the treaty of Greenville, 1795, which closed the war. Convinced, as Brandt afterwards declared, that they were deceived in their hopes of assist-

ance from Great Britain they ceased to be unanimous in their opposition to the Americans. "The consequence was that General Wayne, by the peaceable language he held toward them, induced them to hold a treaty at his own headquarters in which he concluded a peace entirely on his own terms." General Wayne's terms were generous; though, from his remarks, Brandt did not seem to think so. The treaty of Greenville provided that in consideration of goods heretofore received—those then to be received and those stipulated to be delivered thereafter—to indemnify the United States for losses and expenses during the war, certain lands were ceded and relinquished for ever. The United States relinquished their claim to certain other lands—paid goods to the amount of \$20,000 down—and agreed to give the Indians goods to the value of \$9,500—reckoning that value at the first cost of the goods at the place of purchase—annually thereafter for ever.

The European Governments who claimed the various regions of North America by right of discovery, looked upon the natives as heathens who had no rights which christians were bound to respect. The mildest view they took of the status of the aborigines was that they were children to be governed. They claimed for themselves the right of eminent domain and recognized in the Indians a very limited proprietorship of the lands on which they actually were.

They denied that vagrant peoples living by the chase, could claim as property, the vast regions which they only passed over in hunting or merely looked upon from some mountain crest. They made grants of extensive districts without taking the nations into consideration. These were at best only tenants at will, removable whenever it was desirable or convenient to remove them. Only a usufructuary interest was conceded to them. They could not dispose of their land or any portion of it, except to the power claiming by right of discovery or its subjects with its sanction. Pur-

itan, Cavalier or Quaker, Briton, Dutchman, Frenchman or Spaniard—whoever came provided with a grant of land was determined to have it—peaceably if he could, forcibly if he must. It was found less troublesome to purchase the goodwill of the local chiefs by presents of clothing or trinkets, or even by comparatively insignificant sums of money, than to take the land by force. It is only fair to say, however, that if the first settlers were not very particular how they got the coveted land, neither were the Indians very scrupulous as to their title to the lands they sold. The Plymouth colonists bought lands from a tribe which had been dispossessed by the Pequods. The latter tribe wished to sell the land themselves and receive the purchase money—hence their hostilities against the Colonists.

When the independence of the Colonies was acknowledged, all the rights which resided in the Government of Great Britain were transferred to the United States. In the Treaty of Peace the British Government made no stipulation for the pardon or protection of its savage allies but left them to shift for themselves and make what terms they could with the new nation. Within the boundaries of the territory ceded to the United States by the British Government, was the country of its devoted adherents—the Six Nations. The Indians, as we have seen, had been the cruel and inveterate enemies of the struggling patriots and, after their civilized principals had withdrawn from the contest, refused to lay down the tomahawk. They had forfeited every right by every human law. But the Americans had not fought to subjugate or to destroy but to liberate and save. The young Republic received them into its friendship and under its protection, pardoned their hostility and their atrocities, and generously conceded to them a higher and a stronger title than any European Government had ever accorded to them. It recognized them as quasi-independent nationalities, holding a limited sovereignty capable of treating and being treated with, admitted their proprietorship of the land

which thence forth could not be taken from them without their consent and without a valuable consideration acceptable to themselves. The right of eminent domain remained with the United States. History records no other instance in which the vanquished were treated with such magnanimity by the victors. That it did not succeed in awakening the slightest sentiment of gratitude in the Indian mind the history of a few years later attests.

For some years previous to the war of 1812 the Shawnee prophet, Elksattawa and his warrior brother Tecumseh—half-Creeks by birth—had endeavored by appeals to the fanaticism of their race to unite all the tribes North, South and West, in a great confederacy for the purpose of making war upon the United States, and exterminating the white settlers. Their Creek blood gave them influence with the tribes of the south-west and, as Shawnees, they had equal advantages among the Indians of the West and North. Their efforts were successful to a remarkable degree. A widely spreading conspiracy was organized. Large bodies of Indians began to concentrate near the Prophet's village at the mouth of the Tippecanoe. Gen. Harrison marched with a force into that region to uncover the designs of the Indians. On the arrival of this force, the Indians gave no signs of intended hostility. Messengers were sent by the Prophet to General Harrison and it was agreed that there should be no hostile movements for the time in order to allow of a council being held in the morning with the chiefs, and measures being adopted tending toward a peace. The emissaries showed Gen. Harrison a good place for his encampment. There was no reason to suspect treachery nor was any suspected. The army was rather a corps of observation, and forcible measures were not to be adopted if they could be avoided. When night fell the Prophet began to "make medicine"—or, consult the omens—in his medicine lodge. He pronounced the "medicine good," and in the night a sudden and unexpected attack was made upon General

Harrison. The Americans lost heavily but the Indians were beaten and their loss was very severe. Not being able to do anything else for the moment they sued for peace.

Their pacific attitude was deceitful. The Shawnee leader and the Prophet did not relax their efforts to organize the tribes. No sooner was war declared against Great Britain in June, 1812, than the Indians began hostile operations. Delawares, Wyandottes, Miamis, Shawnees, Pottawattamies, Winnebagoes, Cherokees, Choctaws, Creeks, Seminoles, &c., &c., regardless of treaty obligations, unmindful of the generosity with which they had been treated by the Government when abandoned by Great Britain,—all, at once raised the tomahawk for the British Crown. Though the Sioux had made a treaty of peace with the United States and ceded a tract of land at the mouth of the Minnesota for the establishment of a military post, they took up the hatchet for Great Britain and formed a part of the force which besieged Fort Meigs and compelled the surrender of Michilimackinac. The Indians attacked the whole western frontier and committed horrible outrages. The Creeks butchered three hundred men, women and children at Fort Mimms and piled atrocity on atrocity until their power was arrested by the vigorous operations of General Jackson. That their mode of warfare was not less barbarous than it had been thirty years before—the story of Frenchtown—where the wounded and prisoners were tomahawked or burned to death—terribly proves.

The death of Tecumseh in the Battle of the Thames deprived the league of its head. Most of the tribes were now as anxious for peace, with its pleasant concomitants of goods and annuities, as they had been eager for war before. And once more they were admitted to the protection and friendship of the United States.

In the treaty by which peace was made with the Creeks it was provided "that the Creeks being reduced to extreme want, not having the means of subsistence the United

States from motives of humanity will continue to furnish gratuitously the necessities of life until the crops shall be competent to yield them a sufficient supply."

It was stipulated by the ninth article of the Treaty of Ghent that the Indian tribes should be notified of the ratification of that treaty, and on agreeing to desist from all hostilities, and so desisting, should be placed on the same footing as before the war. In March, 1815, after the treaty had been ratified, the President appointed Governor Clark of Missouri Territory, Governor Edwards of Illinois Territory and Auguste Chonteau, Commissioners for the execution of that article. The commissioners notified the Sacs of Rock River and the adjacent country of the conclusion of the treaty and the stipulations it contained regarding them. They invited the Indians to send a deputation of Chiefs to meet them for the purpose of concluding a treaty of peace. The Sacs, however, not only declined the friendly overture but refused to discontinue hostilities and committed many depredations and outrages. By refusing compliance with the ninth article, they of course forfeited all rights under it. Yet when they came afterwards imploring mercy, suing for the peace they had spurned and the friendship and protection of the United States, their suit was granted. They were placed on the same footing upon which they had stood before the war—the United States, in the language of the treaty of peace made with them in May, 1816—"being always disposed to pursue the most liberal and humane policy toward the Indian tribes within their territory, preferring their reclamation by peaceful measures to their punishment by the application of the military force of the nation."

The project of colonizing the Indians in a district of country specially set apart for them—where they should be removed from contact with the white man, was first conceived and proposed by the Indians themselves. The hunter portion of the Cherokees presented a petition to Mr. Jefferson

in 1805 praying that they might be permitted to put such a project in execution. Mr. Jefferson expressed the willingness of the Government to accede to their desire, and assured both those who should emigrate and those who should remain of the paternal interest of the Government in their welfare and of its aid and protection. The Cherokee plan eventually became the avowed policy of the Government. The anti-emigration Creeks and Cherokees, living within the limits of the States of Georgia and Alabama, made a claim of sovereignty and denied the power of the states to extend the operation of their laws over the members of the tribes. Such an *imperium in imperio* was of course inadmissible. The Indians were offered the alternative of submitting to the laws of the states in which they lived becoming citizens of those states and of the United States, and receiving a generous allotment of land in fee simple to each head of a family, or removing to the territory set apart for them, joining their brethren who had already emigrated, getting acre for acre of land for that which they should cede, with large sums in cash, compensation for their improvements, free transportation, and subsistence for one year after their arrival in their new country. But they did not want to do either. Each tribe was split into two bitterly hostile factions and bloody internecine feuds were the consequence. The Creeks assassinated their Chief MacIntosh by emptying fifty muskets into the room in which he sat, so that no individual could be charged with the murder. The Chiefs of the emigration party—some of the best men in the Cherokee Nation the Ridges and the Boudinots, signed a treaty by which their tribe was to receive for its land-claims east of the Mississippi \$5,000,000 besides the considerations already mentioned above. The other party, under the lead of Ross, though they had previously expressed their willingness to enter into an arrangement on the same terms, now bitterly opposed the ratification of the compact made with their rivals. It had not been made with them.

The Indians procrastinated, found pretexts for delay, made agreements as to dates of departure and disregarded them. It took years to effect the emigration, but it was finally effected. The Choctaws and Chickasaws moved of their own accord. The Cherokees, at their request, were allowed to conduct their own removal under the lead of Ross, and were paid for effecting it. The Creeks have always been zealous partizans of the British, a fact due to the Scotch influence and blood in the tribe, and the power of Tecumseh whose mother was a Creek. The Seminoles who are allied to the Creeks and had the same love for the British and hatred of the Americans as the Creeks, were only removed after a sanguinary and protracted war. But all the tribes received the same generous terms as if they been faithful to their agreements.

The Ross party on their arrival in their new country at once proceeded to crush their rivals of the Ridge party who had preceeded them and who were less strong numerically. The leaders of the latter—the Ridges, Boudinot and others—were treacherously assassinated in the most cruel and cowardly manner and actually hacked in pieces. Such remorseless tyrants can the Indians be to members of their own race and even of their own tribe there is little doubt that it would have been better for the Indians and better for the country in the end if the true issue had been met at the time and they had been compelled to submit to the same laws as the white citizens of the States in which they lived, the tribal organizations dissolved and their members recognized as citizens of the States and of the United States. A question would have been settled which may have to be met hereafter and which may yet cause trouble, war and bloodshed. No such spectacle as Ross surrounding himself with a pretorian guard of five hundred men and the instigators and perpetrators of such crimes enjoying immunity from punishment by any human law, would have shocked and humiliated a civilized and christian people.

The treaty of Payne's Landing provided that the Seminoles should receive for their land in Florida, a proportionate extent west of the Mississippi—\$15,000 compensation for their improvements,—and in addition to other annuities secured by the treaty of Camp Moultrie, \$3,000 a year for fifteen years. Their cattle were to be paid for in money, or other cattle furnished them as they should desire,—claims against them to the amount of \$7,000 to be liquidated—their transportation to be paid for—a "blanket and homespun frock" to be given every man, woman and child in the tribe and subsistence furnished them for twelve months in their new home. They have, this day, a credit of \$570,000 in the Treasury of the United States on which interest amounting to \$28,500 is paid them every year. Their claim to the land was a conqueror's claim. They took it from the Euchees and paid them for it by extermination.

Black Hawk, the chief of the Sacs and Foxes, whose name distinguishes one of the Indian wars, was the son of a British Indian. His father was born near Montreal whence he removed to the West while it was still under the domain of Great Britain. He was a zealous adherent of the British and correspondingly inimical toward the Americans. The son inherited his father's sympathies and his antipathies. Black Hawk like Tecumseh, was a frequent visitor to the British Indian Department at Malden and was an annual recipient of presents from the authorities there. He was a follower and imitator of the Shawnee prophet and he also assumed the character of an inspired dreamer. He too conceived the idea of expelling or exterminating the whites—the darling vision of ambitious Indian chiefs and medicine men since the days of King Philip and of Pontiac. Breaking treaty stipulations which had been made years before, he re-occupied the Rock River Valley, began to murder and to rob, killed and mutilated the agent and committed horrible outrages on the peaceful settlers, their wives and children. It has been remarked above that the Rock River Valley did not

really belong to the Sacs and Foxes but to one of the tribes of the Illinois who had been decimated by the Six Nations and afterwards exterminated by the Sacs and Foxes. These latter seized the land and had no juster title to it than conquest, if that be a just title. It has been shown also that these same Rock River Sacs forfeited their rights under the Ninth Article of the Treaty of Ghent by refusing to cease hostilities after they had been notified of the stipulations of that treaty and of its ratification. Their subjection was retarded by the breaking out of cholera among the troops sent against them, but it came eventually: and upon submission they were reimbursed for their lands, and are living to-day on the annuities paid them by the United States.

In 1861, the Cherokees, Choctaws, Creeks, Chickasaws and Seminoles hastened to unite with the prairie tribes to the north and west of them for hostile operations against the Government. The head chief of the Cherokees, in open council, gave the wampum to the representation of the confederates. On the 7th of October of that year the tribes formally renounced their allegiance to the United States. They entered into a treaty which provided that the sovereignty previously residing in the United States—all reversionary and other interest, right, title and proprietorship should pass to and be vested in the Confederate States. They authorized the President of the Confederacy to take military possession of, and occupy, all their country. They bound themselves to raise immediately a regiment of mounted men for the service of the Confederate Government, and to raise and furnish at any future time such number of troops, in fair proportion to their population, as should be called for. They were to receive \$150,000 in cash and a sum of \$50,000 was to be held as invested for their benefit at six per cent. It is believed that they were shrewd enough to obtain at least one instalment from the Confederate Government.

They raised regiments, attacked all who refused to join

them and drove them from the territory. Seven thousand of their people who wished to remain neutral, were thus expelled. They organized expeditions to attack neighboring settlements which were without means of defence and Indians who maintained friendly relations with the Government. They preserved this hostile attitude until the surrender of the insurgent forces, west of the Mississippi. Then, they quickly abandoned the losing side and their Chiefs were soon in Washington begging for a restoration of friendly relations with the Government.

Commissioners were sent at their request to negotiate a peace. The tribes were again admitted to the friendship and protection of the United States and the rights they had again forfeited again restored to them. By all law, they had forfeited their treaty rights and their land reverted to the United States for such disposition as Congress should see fit to make of it. Congress could then have justly decided their future status, obliterated their national character, dissolved their tribal organization, extended over them the operation of the laws and given to the individual members of the tribe in severalty good land in generous measure, restoring their surplus territory to the public domain. This would have been both a well-merited punishment for the unfaithful and ungrateful Chiefs and a means of elevating the humbler members of the tribes to independence of oligarchial rule. It may be that a second opportunity was lost of settling a question which is sure to present itself sooner or later.

The Sioux and the other North-western tribes along the Missouri River and between it and the British line also began to make preparations for war against the Government. Several prominent Chiefs were engaged in organizing a general rising to exterminate the white settlers. Canadian Indians, half-breeds and fur-traders had been tampering with the Indians along the boundary and all were making ready to assist in the expected war between Great Britain and the United States.

Previous to the commencement of hostilities messengers had been sent with the wampum to the various tribes to incite them to a general attack on the whites. This excitement reached its height when news was received of the difficulties caused between the two Governments by the arrest of Mason and Slidell. Many Indians of various tribes were induced to trade their furs on the British side of the line and were told by the fur-traders that at the proper time they would be furnished with everything necessary to drive the Americans from the country. Reports were circulated among them that the Government had been defeated in many battles and they were assured that its final overthrow was inevitable. In Wisconsin, Pottawattamie runners were engaged in spreading this affection among the Menomonies and other Indians.

The Chippewas, Winnebagoes and other Indians, who have strong British proclivities, assumed a threatening attitude and were only waiting for the time to strike. The British half-breeds and fur-traders led the Indians to believe that the intervention of Great Britain was certain and imminent. The Indians were listening for the signal of the first British gun.

Accident however, fired the train before the time at which the explosion of the mine was intended. Four drunken Indians in Southern Minnesota disputed as to who was the bravest warrior among them. They agreed that he who first should kill a white man should be considered the bravest of the brave. They entered the house of an innocent and unsuspecting settler whose hospitality they had often enjoyed—whose hospitality was again extended to them on this very occasion—and suddenly began murdering the inmates, unsuspecting and unprepared. Thus began the Minnesota massacre of 1862. The men of the Minnesota settlements were away fighting the battles of the nation. The old men, the women and the children were unprotected in their homes. This was the Indians'

opportunity. Before the bloody work could be stopped the Sioux had killed over eight hundred people, destroyed millions worth of property and committed barbarities too horrible for relation.

More than eight thousand persons who had been in the enjoyment of comparative affluence were reduced to dependence on state aid for their subsistence. In the case of these Indians, the United States for the first time extinguished an Indian title, by right of conquest. But, even in this case, the Government assigned them another reservation and gave them the proceeds of the sale of the lands they had vacated in Minnesota. There are nations—and christian and civilized nations—who would have made a pyrotechnic display of the Indians engaged in this unprovoked and unexpected massacre, and sent them to reservations in the skies.

The hope that Great Britain would enter the contest was dispelled by the surrender of Mason and Slidell. The Chippewas, Winnebagoes and other Northern Indians deemed it prudent to remain peaceful, and left the Sioux to their fate.

It has almost become habitual with some writers to contrast the treatment of the Indians in the matter of their lands by the British authorities and by the United States in terms not flattering to the latter. This unfavorable parallel, however, history does not sustain. The Mohawk leader, Brandt, a merciless enemy to the Americans, was a faithful and incorruptible ally to the British. When he removed to Canada with his tribe at the close of the Revolutionary War, he and his people understood that the land granted to them in Grand River Country was theirs in fee and by a perfect title.

They were sorely disappointed. They had scarcely settled in their new country before the whites began to settle around and among them. Game began to disappear. Time was required to make the Indians successful agriculturists. Brandt conceived the idea of leasing and selling portions of

the land to create a fund for the sustenance of his people during the transition from the hunter state to the agricultural, and to insure perpetual annuities for their improvement and civilization. The Colonial Government at once objected. Brandt was informed that his tribe had no such title as he claimed. The right to the soil had been retained by the Government. The Indians had no right to sell or lease a single acre of ground. The land was theirs no longer than themselves should occupy it. The Canadian authorities were determined that the Indians should neither lease nor sell any portion of their grant, nor make use of any part of it except what they cultivated by their own labor. This was the cause of much suffering among the Indians. They were reduced to a comparatively small portion of land. Their hunting was impaired. Their husbandry was yet so unskilled that many of them were reduced almost to starvation. It was alleged as an excuse for this ungenerous dealing that their government had been deceived with regard to the location and value of the land. This was indignantly denied by the Indians. Council upon council was held but the Mohawks could not obtain a satisfactory settlement of the question. "Land-sharks" had already got among them and the intrigues of these speculators drew from Brandt, in one of his addresses, the bitter complaint that certain characters "who stood behind the counter during the last war" who had never sacrificed anything were now dictating to the Government what should be done with the Indian lands. A change of Governors seemed to promise a change for the better in the Indian prospects. An agreement was made by which the lands sold or to be sold were surrendered to the Government which was to issue grants to the persons named as purchasers by the agent of the tribe. The Government was to appoint trustees to receive the fund in trust for the Indians. The Canadian authorities, however, failed to comply with their part of the agreement and this arrangement

also came to nought. Their design was to hold the Indians to a tenantry at will. Brandt then tried to enlist the Home Government in behalf of the Indians. An envoy was sent to England but the opponents of the Indian claim found means to prevent the success of his mission. At length Brandt decided to go to England himself, but, for lack of means, he was unable to carry out his purpose. So exasperated was the Mohawk Chief by what he considered the unfair and ungrateful treatment of his nation that, at one period, he contemplated withdrawing from Canada and seeking a home for his people within the territory and under the protection of the United States. He died without being able to settle these difficulties.

The contrast between the treatment of the Appalachian tribes, the Sacs and Foxes, the Shawnees, Delawares, Wyandottes, etc., to which the United States were only indebted for acts of war, pillage and atrocity, and that of the Mohawks, is not discreditable to the United States. The Chippewas and Winnebagoes were bitterly inimical to the Americans and were—nay are to this day—strongly English in feeling.

Years after the war of 1812 American officers were fired at on Lake Superior, and as late as 1820 a British flag was raised by a Chief near Sault St. Mary's before the eyes of General Cass, who it will be remembered, tore it down with his own hand. Before the treaties of 1837 and 1842 the Chippewas had made over twenty treaties with the United States and broken them all. Yet in consideration of the cessions made by the treaties in the years above mentioned, the United States stipulated to pay them \$22,000 in money for twenty years, and for twenty-five years \$29,500 in goods, and \$230,000 for various purposes. For the cessions by the treaty of 1847 they received \$34,000 in cash, \$1,000 annually for forty six years for the Mississippi bands and for the Pillager band \$3,600 worth of stipulated articles of goods for five years.

The Winnebagoes received for the territory ceded by the treaty of 1846, eight hundred thousand acres of land west of the Mississippi, \$190,000 for various purposes—\$85,000 to be held in trust by the United States for thirty years at 5 per cent. interest to be paid annually. It should be borne in mind that while their hostility to Americans was undoubted their titles to the land were far from unquestionable.

The position of the Indians who came under the jurisdiction of the United States by the annexation of Texas and by cession from the Republic of Mexico was different from that of Indians on territory which had belonged to England, France or Spain. Texas, on coming into the Union, expressly reserved the right to all vacant and unappropriated lands within her boundaries, and the exclusive jurisdiction over them.

The Mexican Government at no time recognized an Indian right to the soil within its jurisdiction, unless a title had been specially granted. It looked upon the Indians merely as a peculiar class of citizens.

In view of the Mexican law, the Supreme Court of the United States for the District of New Mexico decided that the Indians within the territory acquired from Mexico are by virtue of the provisions of the 8th article of the Treaty of Guadalupe Hidalgo—citizens of the United States having the same rights as other citizens and no special rights above them.

In the eighteen years following the cession these New Mexican Indians killed one hundred and twenty-three persons, wounded thirty-two, and led into captivity twenty-one. They seized and carried away live stock to the value of nearly a million and a half of dollars. Of six treaties made with the Navajos, every one was broken by them before its ratification could be effected. From 1847 to 1865, they were never at peace. These Indians, as has been seen, came under the control of the United States without any

claim to the land. But our Government has made no distinction between them and Indians living on territory ceded by Great Britain, Spain or France. They have been conceded the same treaty-making power, assigned reservations, placed under the control of agents, negotiated with and fed and clothed like other Indians within our limits.

On no subject has there been so much wild writing as on this, or evidently less consultation of the official archives. The indignation often eloquently expressed by philanthropic and poetic natures though prompted by the noblest and most generous impulses, is mistaken—and their denunciation of the Government is not justified by the official record. Indian titles which could not be proved and which conflicted with the claims of other tribes, have been extinguished by double purchases by the United States. Since 1789, more than a hundred millions of dollars have been paid the Indian tribes for the cession of territories which had become useless to them by the disappearance of animals of the chase; and which were if they had been industrious and disposed to agriculture instead of the reverse, they never could have cultivated. The annuities resulting from these sales of land are to-day supporting tribes which without such aid would exist only in name. No tribe which was in existence at the time of the Declaration of Independence has become extinct.

In comparing the position of the Indians in the British possessions with that of their brethren in the United States, it must be considered that the former are insignificant in numbers compared with the latter and that much of their land is undesirable for a white population. When lands are desirable arrangements for their purchase are made without any unusual delicacy of proceeding in regard to the Indians. Vast tracts have been disposed of at twenty cents an acre. In many cases, the annuities paid the Indians are so small that they do not consider it worth their while to make the journey to the place of payment to

receive them. The recognition of a higher title in our Indians—the character of independent nations which they are permitted to assume makes them more arrogant, more exacting in their demands and consequently more difficult to manage. The fact that there generally seems to be less trouble with the tribes that hold reservations merely by executive order would lead to the inference that the British method may be the wiser one, so far as keeping the Indians in subjection is concerned, but it is certainly much less generous than ours.

In the accounts of the discoverers and the early settlers the native population was extravagantly over-estimated. The most careful students of Indian history and the best authorities have reached the conclusion that the Indian population at the date of the first settlement was not much over half a million within the same district of country which now bears upon its teeming bosom more than forty millions of a free and happy people. The official estimates place the number of Indians now within the limits of the United States, exclusive of those in Alaska, at two hundred and fifty-two thousand. Tribal and intestine wars—individual and family feuds—are among the most potent causes of this terrible decline. Enmity among Indians is hereditary and implacable—unappeasable between tribes or individuals of the same tribe. Every element of intestine discord was at work at and before the time of the settlement. The aboriginal population did not more than sustain itself.

Next in destructive power comes fire-water; then smallpox, the Indian's objection to vaccination and rejection of civilized medical aid. In 1837, smallpox swept away nearly one-half of the Indian tribes. In that year, ten thousand Sioux fell victims to the scourge. Of the Crows, Cheyennes, Blackfeet, Minatarees, Crees, 25,000 perished in a few months. The Pottawattamies were greatly reduced. The Mandans were decimated. The remnants of the Kasasokias and the Illinois which were spared by the smallpox

were exterminated by merciless enemies of their own race. Again in 1856 and 1857, smallpox carried off many thousands of the Indians in the region of the Upper Missouri and the Yellowstone: Crows, Assiniboinés, Blackfeet, Piegiáns, Arickreés, Mandáns, Gros Ventrés, &c., &c.

Indian loss in battle with the whites is generally insignificant. It is not in their tactics to expose themselves. They are not found in the grand clashes of arms where thousands fall. They hover on the flanks of their civilized allies, cut off the stragglers, murder and torture the wounded and the prisoners. Their cardinal principal in what they call war is to kill without risk of being killed. A heavy Indian loss is only possible when they are surprised, surrounded and there is no chance of scattering, concealment, or flight. Then, when they feel their hour is come, they turn and fight like tigers at bay.

Their principal losses in the war of Independence, as well as in the war of 1812 were the result of camp diseases, exposure, and its consequences, colds, consumption, &c., insufficient food, and as in the case of pestilential visitations, trust in the incantations of their Medicine Men. Many ailments and injuries which might have been cared for by proper medical aid of course proved fatal under the sorcerer's treatment.

The uncertainty of provision in the hunter state, the exposure it necessitates,—the transition from periods of famine when game is hard to find, to seasons of gluttonous enjoyment when it is plenty—the condition of the women, the severe and unremitting labor exacted of them—a most effectual obstacle to increase,—the prevalence of abortion among the younger squaws,—immoderate indulgence in sexual pleasures—the pride and indolence of the males which left the crops that bountiful nature furnished in profusion, such as the wild rice, to wither ungathered and allowed their women and children to die of starvation while it rotted around them—these are all factors in the deadly problem.

The following figures taken from the official records show the number of Indians killed by whites and by their own people in the year 1875-76. As it was a year of Indian hostilities it is necessarily a favorable period statistically for the Indians; for the proportion of Indians killed by whites would be presumably greater than ordinary while it may be supposed that the number of Indians killed by Indians would be smaller:

Number of Indians killed by U. S. troops,	122
" " " " citizens,	85
" " " " other hostile Indians,	55
" " " " members of the same tribe,	162

Next to internecine struggles among the causes of Indian decline and degradation, must be ranked the uncontrollable

passion for strong drinks. It is true that the deadly draught was first presented to the Indian by the white man, Hendrick Hudson and his Dutchmen pledged the chiefs they first met on the banks of the Hudson in goblets of ardent spirits. The Pilgrims gave Massasoit "a cup of strong waters" as a mark of courtesy and good will. It was the fashion of those days even with goodly folk. But since the Indians came under the jurisdiction of this Government no effort has been spared by those in authority to prevent the sale to them of spirituous liquors. From that period to the present day the quantity of whiskey introduced into the Indian country by white men has been comparatively small. The poison is mostly carried in by the Indians themselves. They will travel from four to five hundred miles to procure it and bring it back to trade it to their own people. It is a lucrative business for them: the whiskey-drinking Indian will part with everything he possesses—his squaws, his children, his pony—even his rifle—to obtain it. The agents of the Hudson's Bay Company have, indeed, been free distributors of alcoholic liquor among the Indians and have used it as a medium of exchange with them. The British Half-Breeds also have been energetic agents in furthering this wicked commerce with the Indians on our side of the line.

The American Half-Breeds complained of this for many years. They presented a petition to Governor Ramsay of Minnesota, at the time *ex-officio* Superintendent of Indian Affairs, praying that the Government of the United States would effect some arrangement with that of Great Britain by which the trade in whiskey by agents of the Hudson Bay Company near the border could be stopped.

The wanton destruction of the buffalo by the whites has been the subject of much denunciation: but the most active destroyers of the buffalo have been the Indians themselves. When a market for furs was created by the settlement of the country, the Indians had an additional incentive to the

pursuit of the chase. They discovered that they had a money making business which enabled them to indulge their appetites for articles of foreign production. The introduction of fire-arms increased their destructive power and the slaughter of fur-bearing animals was unremitting. Indians have killed hundreds of thousands of buffalo for the robes alone in seasons when the flesh was not good for food.

The fur-bearing animals began to disappear. The Indian's cupidity and improvidence sacrificed his supply of food, and his squaws and children starved in the winter. Land without game was valueless to the Indian. Agricultural labor was degradation. He eagerly embraced opportunities to dispose of vast game-denuded districts for the means of gratifying his passion for trinkets and fire-water. His own hunting grounds exhausted he trespassed on the grounds of other tribes, thus exciting inter-tribal wars, bloody, cruel, relentless and interminable. Or he moved further into the wilderness, and, if he were strong enough, boldly invaded the territory of other tribes, dispossessed them by force and occupied their country. Many and bitter complaints have been made by the American Half Breeds of the Red River country of the destruction of the buffalo on the American side of the line by British Indians and Half Breeds who hunt on our territory in the spring and fall. The British Half Breeds kill from fifty to sixty thousand buffalo in a season on United States territory. From the Red River of the North to the head waters of the Missouri, British Indians, the renegade Sioux hostiles, the fugitive Nez-Percés, &c., come south of the line to kill buffalo on the reservations of their American Red Brethren. Hundreds of thousands are killed by them annually and the robes traded to British traders. The buffalo is to the strong Indian and the weak must take what he leaves. In 1876-7 when the hostile Sioux were on their way to Canada, they sent runners to the Assiniboines, Yanktonais, Gros Ventres, Piegans and other Indians north of the Mis-

passion for strong drinks. It is true that the deadly draught was first presented to the Indian by the white man, Hendrick Hudson and his Dutchmen pledged the chiefs they first met on the banks of the Hudson in goblets of ardent spirits. The Pilgrims gave Massasoit "a cup of strong waters" as a mark of courtesy and good will. It was the fashion of those days even with goodly folk. But since the Indians came under the jurisdiction of this Government no effort has been spared by those in authority to prevent the sale to them of spirituous liquors. From that period to the present day the quantity of whiskey introduced into the Indian country by white men has been comparatively small. The poison is mostly carried in by the Indians themselves. They will travel from four to five hundred miles to procure it and bring it back to trade it to their own people. It is a lucrative business for them: the whiskey-drinking Indian will part with everything he possesses—his squaws, his children, his pony—even his rifle—to obtain it. The agents of the Hudson's Bay Company have, indeed, been free distributors of alcoholic liquor among the Indians and have used it as a medium of exchange with them. The British Half-Breeds also have been energetic agents in furthering this wicked commerce with the Indians on our side of the line.

The American Half-Breeds complained of this for many years. They presented a petition to Governor Ramsay of Minnesota, at the time *ex-officio* Superintendent of Indian Affairs, praying that the Government of the United States would effect some arrangement with that of Great Britain by which the trade in whiskey by agents of the Hudson Bay Company near the border could be stopped.

The wanton destruction of the buffalo by the whites has been the subject of much denunciation: but the most active destroyers of the buffalo have been the Indians themselves. When a market for furs was created by the settlement of the country, the Indians had an additional incentive to the

pursuit of the chase. They discovered that they had a money making business which enabled them to indulge their appetites for articles of foreign production. The introduction of fire-arms increased their destructive power and the slaughter of fur-bearing animals was unremitting. Indians have killed hundreds of thousands of buffalo for the robes alone in seasons when the flesh was not good for food.

The fur-bearing animals began to disappear. The Indian's cupidity and improvidence sacrificed his supply of food, and his squaws and children starved in the winter. Land without game was valueless to the Indian. Agricultural labor was degradation. He eagerly embraced opportunities to dispose of vast game-denuded districts for the means of gratifying his passion for trinkets and fire-water. His own hunting grounds exhausted he trespassed on the grounds of other tribes, thus exciting inter-tribal wars, bloody, cruel, relentless and interminable. Or he moved further into the wilderness, and, if he were strong enough, boldly invaded the territory of other tribes, dispossessed them by force and occupied their country. Many and bitter complaints have been made by the American Half Breeds of the Red River country of the destruction of the buffalo on the American side of the line by British Indians and Half Breeds who hunt on our territory in the spring and fall. The British Half Breeds kill from fifty to sixty thousand buffalo in a season on United States territory. From the Red River of the North to the head waters of the Missouri, British Indians, the renegade Sioux hostiles, the fugitive Nez-Percés, &c., come south of the line to kill buffalo on the reservations of their American Red Brethren. Hundreds of thousands are killed by them annually and the robes traded to British traders. The buffalo is to the strong Indian and the weak must take what he leaves. In 1876-7 when the hostile Sioux were on their way to Canada, they sent runners to the Assiniboinés, Yanktonais, Gros Ventres, Piegans and other Indians north of the Mis-

souri, warning them not to hunt the buffalo until the hostile bands had "had three runs." If they began hunting before the Sioux had obtained the supply of meat and robes they required, the latter would attack and kill them, or as it was tersely put in the message, would "soldier" them. They were actually prevented from hunting buffalo and driven from the Milk River country whither they had gone for that purpose, by the hostile Sioux. The glorious freedom of Indian life is a mirage of poetical imaginations. The Indian is not free even to kill the game on his own hunting grounds, if a stronger Red intruder wishes to keep it for himself.

The institution of Chieftainship and the order of Medicine Men are powerful obstacles to the civilization of the Indian race. The former is probably of comparatively recent origin: the latter seems to have existed from time immemorial. Some tribes say they had no Chiefs before the white man came. The Sioux have a tradition that their first Chief was made by the British.

The Medicine Man wields a terrible influence over the great mass of Indians. He is armed with supernatural powers of the most appalling description. He is the real arbiter of peace and war. The influence of the Medicine Man was the principal cause of the Indian wars from 1811 to 1817. To this day, the warriors must stay their arms until the Medicine Man decides for war by pronouncing the "medicine good." The Medicine Man has this advantage over the Chief that while the latter must wait for his sanction, he can raise a war-party at any time. He is therefore a potent factor in the problems of Indian politics. Like his own gods he can be placated by gifts. His lodge is generally kept full of meat: and he is used by ambitious Chiefs and young men to further their plans for advancement, and counteract those of their rivals.

The Medicine Men are naturally opposed to schools for the Indian children: education and enlightenment would

put an end to their occupation. The chiefs also are opposed to the education and civilization of their people. They know that the result is sure to be the solution of tribal unity, severalty of possession in the land and the consequent destruction of their authority. The tribal system is the basis of an aristocracy and its abrogation reduces them from the position of leaders to the common level. They will always be found arrayed against the partition of the land, as they have always opposed per capita payments of annuities and contended for their payment in gross to themselves as representatives of their tribes. No doubt there have been dishonest officials and greedy traders who have received considerable portions of the funds appropriated for Indian uses, but the robes of their own people are far from spotless in such matters. It is known that in cases where annuities were paid to the chiefs not more than ten per cent. of the amount received by them reached the profane vulgar of the tribe. Traders probably received a good portion of the ninety per cent. but as the chiefs were the disbursers it is fair to assume that they had the chief's share—which, no doubt, was also the lion's.

The attitude of the frontier population toward the Indian is mistaken and misrepresented. Mr. Monroe, on his return from his western tour, said that the worst Indians he had met were the whites on the frontier. But it would be cruelly unjust to include in this sweeping censure the honest, hard-working settler who takes his wife and children with him to hew himself a homestead out of the forest. The general feeling of the bona fide settler toward the Indian is kindly and his treatment of him—when the Indian comes with ostensibly peaceful intent—generous and hospitable. The general desire is to be on friendly terms with him. But when the settler's hospitality is repaid by some sudden—and as far as he is concerned—wanton treachery, when returning home some evening to rest by his fireside after the labors of the day cheered by the smiles of those

he loves, he sees his cabin in flames, or finds the dead dishonored, mutilated bodies of his wife and children upon the home-floor, the hearth-stone stained with their blood, he would be more than human, or less than man if the sight of an Indian in the vicinity of his cabin were ever afterwards an agreeable one to him. No one who has not lived where the frontiersman and the Indian live—no one who has not seen dangling from the belt of a savage the long tresses of a white woman whom some one loved as a sister, cherished as a wife, or worshiped as a mother, can fairly pronounce judgment between the Indian and the honest settler on the frontier.

Between the industrious, honorable colonist and the Indian, however, there is a class of vicious and degraded whites thrown out by the advancing tide of civilization as the filthy refuse of approaching vessels is cast by the wave upon the seashore. These are the murderers, the thieves, the outlaws who, expelled from civilized communities, seek shelter from justice among the Indians, or on the debatable land between the latter and the honest pioneers of industry. Unfortunately, it is from this class that the Government is sometimes compelled to take its guides, scouts, couriers and occasionally even its interpreters. They are, as Cotton Mathers said of the Indians—"the veriest ruins of mankind." These are the whites who—as Mr. Monroe said—are worse Indians than the Indians themselves. It would, perhaps, be more just to say that they are as bad as the bad Indians and worse than the good ones.

Friends of the Red race; civilians of large experience in Indian affairs—have not hesitated to declare that the removal of the Indians from the control of the War Department was an impolitic measure. Schoolcraft, whose sympathies with the Indian tribes was as sincere as his study of their history, antiquities, traditions, modes of thought and action, was profound and comprehensive, thus wrote on this subject:

"It is undeniable that since the disunion of the two (sword and olive-branch) by transferring this branch of service from the war to the Interior Department, the management of our Indian affairs on the line of the frontier has not gone on so well."

The Superintendent of Indian Affairs for the Central Superintendency in 1857, wrote in his official report for that year :

"A growing spirit of insubordination is everywhere manifested among the wild tribes of the prairies. To subdue and control this spirit, a cordial co-operation among the various civil and military agents of the Government is indispensable, and this can only be effected by restoring to the War Department the control of the Indian service."

The Interior Department has been placed at a disadvantage by the shortening of the agents term of office to four years, the frequent changes caused by internal exigencies in the same party—and by the passage of Governmental authority from one political party to another. An agent who enters the Indian service without any previous experience, no matter how great may be his ability, is only beginning to learn something about Indians at the end of four years. It would be a great step in advance if tenure of office in this branch of the public service were made contingent on demonstrated fitness, fidelity and capacity. In the first treaty concluded with an Indian tribe after the Declaration of Independence—that made with the Delawares in September, 1778—the United States contracted to give them "an intelligent, candid agent, with an adequate salary, one more influenced by the love of his country, and a constant attention to the duties of his department, by promoting the common interest, than the sinister purposes of converting and binding all the duties of his office to his private emolument." It must be confessed that the Government has not always selected Indian agents according to the treaty pattern, nor can its failure to do so be excused by the fact that the Del-

awares broke their part of the contract immediately—before the ink with which it was written had time to become thoroughly dry. The salary of an Indian agent is not at all commensurate with the responsibility and importance of the position. Furthermore, an agent whose charge is a few hundred semi-civilized Indians of some declining tribe, the subjugation of which dates back half a century, receives as large compensation as one who has to control eight or ten thousand semi-hostile Indians still in a state of almost primitive barbarism. The laborer is worthy of his hire; and the good one can rarely be obtained without it. That Andrew and Thomas Lewis, Esquires, Commissioners for and in behalf of the United States of North America for the conclusion of the treaty of 1778, were too wise to expect to get him on other conditions is shown by the provision that the "candid, intelligent agent" shall be paid "an adequate salary."

Serious difficulties have been caused between the Government and the Indian tribes by the ignorance and incapacity of persons whom it is sometimes compelled by the force of circumstances to employ as interpreters. These are too frequently ignorant and vicious half-breeds and illiterate and degraded whites,—squaw men—who know little of the Indian languages and almost as little of their own. A high authority on Indian matters states the curious fact that it is generally the most debased in morals and the lowest in intellectual capacity who obtain most readily some little knowledge of the Indian tongue orally. Few of this class are more trustworthy than they are competent. It is worth considering whether, in view of this state of affairs it would not be wise for the Government to train a corps of intelligent interpreters by taking a certain number of intelligent white youths annually and causing them to be carefully instructed in the Indian tongues, attaching them permanently to the Indian Bureau and detailing them when proficient as interpreters at the various agencies. In a few

years, the Indian office would thus have a respectable, and competent corps of interpreters on whose intelligence and fidelity it could rely. This plan would open a new career for our youths and afford them a respectable and permanent employment. The opportunities would be eagerly embraced and in making its appointments of cadet-interpreters the Interior Department would only have the embarrassment of selection. It would seem that with capable, honest, adequately paid agents and a corps of permanent, intelligent and faithful interpreters, it could not make very much difference whether the Indians were under the immediate control of a civilian attached to the Interior Department or under one attached to the Department of War. The question of the re-transfer, however, is one which must be left for decision to the legislative wisdom of the nation ; and it is not deemed unsafe to say that the army does not desire it.

The colonization plan—so long the settled policy of the Government,—in furtherance of which unceasing efforts have been made and vast sums expended—has not been productive of commensurate results. After nearly a half a century the great mass of the Appalachian groups of tribes scarcely show a perceptible advance. Colonization has not reached below the immediate families of the principal chiefs. The Indians can not be civilized by isolation. The objects of the Indian originators of the colonizing scheme was not civilization, but the preservation and perpetuation of the manners and customs of savage life. Colonization is, in reality only an extension of the reservation system, having the same defects and subject in the end to the same dangers. The same forces that press upon the borders of the reservations will in the course of time exert themselves against boundaries of the colonies—nay, they are already doing so. It is useless to expect that the tide of improvement can be stayed by geographical lines. People will not be content to crowd and press each other for a little land to

be cultivated for the support of themselves and their families, while millions of acres, three-fourths of which lie waste, are held by communities comparatively small in numbers. It is calculated that 8,000 acres of land in a wild state are required for the support of a solitary Indian by the chase. On 80 acres, well cultivated, an industrious white man can support himself and his family. The Indian lands must eventually be reduced to the extent the Indians will cultivate. To prevent such a reduction being effected by measures more or less violent, the Government will be compelled to continue purchasing from the Indians and making terms with them for amicable cession. No plan for the civilization of the Indians can be ultimately successful that does not contemplate their absorption into the general body of citizens, by severalty of possession in the lands—individual proprietorship and responsibility,—by the abolition of tribal entity and the extension over the red man of the same laws that govern other citizens, be they white or black. Among the best Indians on our Continent to-day are those Indians of California for whom the Government does nothing,—who do not own an acre of land,—who live quietly among, and earn a living—scantily though it be—by working for, their white neighbors.

The absurdity of recognizing independent nationalities within our own limits is admitted by all serious thinkers and writers on Indian affairs. The Indians are a patriarchal people who have no proper representative government,—no treaty-making authority. One set of families immediately breaks the treaty another has made. The Government of the United States is not responsible for the treaty system: that system came to it by inheritance. Honor demands that it should do what is nominated in the bond. The Indian tribes by continued infractions of the terms of treaties absolved the United States from all legal obligation to perform its part of the compacts. But this Government has not done as other governments have done in similar

cases: taken advantage of the rupture of treaty stipulations to divest the other contracting party of all rights. On the contrary, it has restored to the Indians, for the hundredth time, the rights which it had conferred on them and which they had a hundred times forfeited.

It is not easy to avoid taking a sentimental view of this question—to see it uncolored by the haze of poetry and romance, through which we have been accustomed to look upon it from childhood. The sympathy of gentle hearts goes out instinctively toward the weak—often without pausing to inquire whether the weakness they pity be, or not, the result of a wilful persistence in unhealthful courses of blind efforts at resistance to irresistible forces. They are touched by the sad spectacle of a people, whom poetic fancy endows with a sublimity of character they rarely possess, fading away from the face of the earth. But sympathy for a decaying race should not drive us into unjust denunciation of our Government. We must try to read the history of that race and the Government of the United States in their transactions with each other, by the clear, cold, judicial light of the record. Since the foundation of this Government the Indian has fought against his own improvement and elevation. And if he continues to do as he has done—as his ancestors did before him—his extinction is certain. It is but a question of time; and all the United States can do is to make his passage out of cotemporary history as little painful as possible. In the struggle between civilization and barbarism, the former is always victorious in the end.

The hope of ultimate civilization is with the children. Manual labor schools can be multiplied; good and wise teachers—adequately paid—can be provided for them. And here is a channel through which the poetical regard of the cultured wealthy for the Indian may be given a more practical shape. Donations and bequests for the education of Indian children are rare. Perhaps, many a sympathizer

in the abstract owes the wealth which enables him to luxuriate in lettered ease, to a lucky purchase of Indian land by some pioneer-ancestor of a past century. Here is an opportunity in equity.

Even from the children we must not expect too much, nor must we try to push them forward too fast. Indian civilization is of slow growth—when it grows at all. It must always be borne in mind that the wild Indian of to-day is nearly what his ancestors were three hundred years ago,—that the children to be taught are his children, born in his wigwam, and more or less imbued with his traditions. Their minds are not capable of assimilating theories. They must be taught industry, sobriety, honesty, purity, by practical appeals and example. Their moral and religious training must be rather in the direction of practical than of dogmatic christianity: there must be much patience and indulgence; and above all there must not be too much zeal.

The civilization of the adult Indian of the present day is a hopeless matter. The problem is to make him keep the peace. If he can be induced to provide even partially for his own support by labor—which is scarcely to be hoped—it is so much gained; the Government must supply what is lacking. No Indian should die of starvation if we can prevent it. The Red man is of a stolid, stubborn, suspicious nature. He acts from passion not from reason. Let our policy toward him be ever that of the First President of the Republic: the use of force only when all efforts for conciliation have been tried and failed; then, not hesitating or uncertain in its application, but swift and sure. Half measures with savages are worse than useless; and only encourage them to the further destruction of valuable lives and property. The Indian's craft far exceeds his bravery. In the civilized meaning of the latter word, he is not brave. The weaker his opponent, the more cruel, he. When he sees in his adversary a power he can not resist, he flies or succumbs. Blood and treasure can be saved by making all

military expeditions against hostile Indians so strong that the Indian can not hope to oppose them successfully. He is quick to understand such an argument—and it is the only one that convinces him. An adequate and timely show of warlike force would have ended many an Indian trouble of the past without the loss of a life in actual battle. But let the chastening hand be stayed the instant the Indian shows an intention of submitting to the laws. The best Indian policy is that which spills the least blood.

APPENDIX.

EXTRACT, MINUTES EXECUTIVE COUNCIL.

November 14, 1879.

* * * * *

The following resolution was submitted, read, considered, and unanimously agreed to, viz :

"*Resolved*, That a prize of a Gold Medal of suitable value, together with a Certificate of Life Membership, be offered annually by the 'Military Service Institution of the United States' for the best essay on a military topic of current interest ; the subject to be selected by the Executive Council and the prize awarded under the following conditions :

1. Competitions to be open to all persons eligible to membership.
2. Each competitor will send his essay in a sealed envelope to the Secretary on or before March 1st in each year. The essay shall be signed only with the *initial letter* of the author's surname followed by a *figure* corresponding with the number of pages of MS. With the envelope containing the essay a separate sealed envelope will be sent, bearing the specified signs *only*, on the outside, and enclosing the author's name and 'signs.' This envelope to be opened in the presence of the Council after the decision of the Board of Award has been received.

3. The prize shall be awarded upon the report of a board consisting of three suitable persons chosen by the Executive Council.

4. The successful essay to be published in the Journal of the Institution, and the essay deemed next in order of merit shall receive honorable mention, be read before the Institution, and, at the discretion of the Council be published with the consent of the writer."

General Brown submitted the following resolution which was read, considered and agreed to, viz :

Resolved, That a Committee of two be appointed to procure a suitable design for the GOLD MEDAL to be awarded annually for an essay to be prepared in accordance with a *resolution* of the Council.

The Chairman appointed the following Committee under the foregoing resolution. Generals BROWN and PERRY.

* * * * *

EXECUTIVE COUNCIL,

Dec. 22, 1879.

* * * * *

After considerable discussion of the subjects for Prize Essay proposed by the Committee to whom the matter had been referred for report,

General Fry submitted the following resolution which was read and agreed to, viz :

Resolved, That the subject selected for Prize Essay of 1880, shall be "Our Indian Question."

The Council then proceeded to select three suitable persons to act as Judges in the competition for the Prize Essay aforesaid.

After due deliberation the following names were unanimously agreed upon :

The Honorable GEORGE MCCRARY,

General JOSEPH E. JOHNSTON,

General ALFRED H. TERRY, U. S. Army,

and the President was requested to communicate with those gentlemen and ascertain if they will serve in such capacity.

* * * * *

EXECUTIVE COUNCIL,

April 20, 1881.

* * * * *

The following report received from the Board of Award on Prize Essay for 1880 was read by the Assistant Secretary.

March 31, 1881.

MAJOR GENERAL W. S. HANCOCK, U. S. ARMY,

President of the Military Service Institution,

Governor's Island, New York.

GENERAL :

The undersigned having been requested by the Executive Council of the Military Service Institution to examine the essays submitted to the Institution in competition for its annual prize for the year 1880, have the honor to inform you that they have performed the duty confided to them and have selected, from the essays submitted, three which in their judgment are especially meritorious. They are those which are signed respectively "W. 125," "B. 81" and "G. 6."

In each of these essays some opinions are expressed and some conclusions are arrived at to which the undersigned cannot yield assent : but the first named of the three possesses great literary merit ; the second is evidently the fruit of careful, thorough and accurate historical research, and, of all the essays submitted, the third contains by far the most valuable suggestions for the solution of "The Indian Question" as it stands to-day.

The terms in which the subject to be dealt with was announced furnish no rule for the determination of the comparative weight to be given to the diverse merits—literary, historical and practical—which characterize these several essays, but the undersigned are of the opinion that that essay which is the best contribution to the practical solution of "The

Indian Question" is the "best essay," and they therefore recommend that the prize be awarded to the author of the one which is signed "G. 6."

With the highest respect,

Your obedient servants,

(Signed) GEO. McCRARY,

(Signed) ALFRED H. TERRY,

(Signed) J. E. JOHNSTON.

The seal on the envelope bearing the mark "G. 6." was then broken and General JOHN GIBBON, Colonel 7th Infantry was announced as the successful competitor.

On motion it was

Ordered, That the PRIZE MEDAL of 1880 for the best essay on "Our Indian Question" be awarded to General JOHN GIBBON, Colonel 7th Infantry.

The envelopes bearing the marks "W. 125." and "B. 81." were then opened and the names announced as follows:

W. 125.—Lieutenant C. E. S. WOOD, 21st Infantry.

B. 81.—Captain E. BUTLER, 5th Infantry.

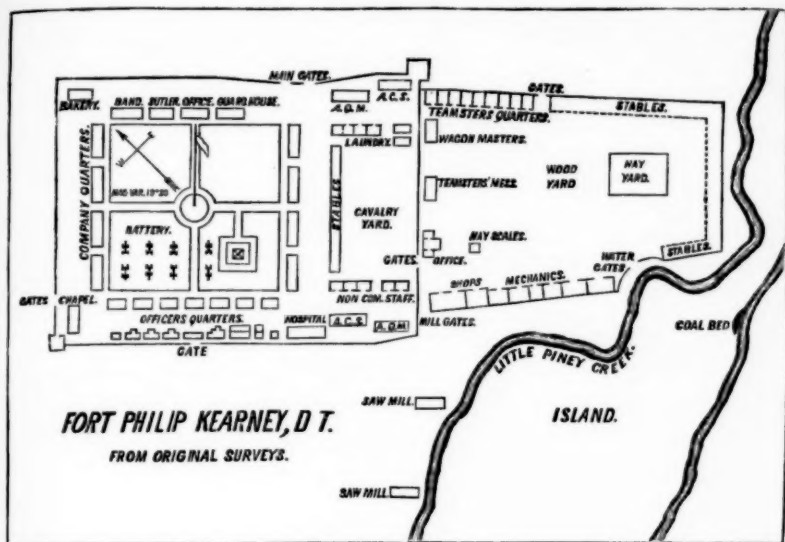
The following resolution was submitted, read and unanimously agreed to, viz:

Resolved, That the thanks of the Executive Council are due and are hereby tendered to the Honorable GEORGE W. McCRARY, General JOSEPH E. JOHNSTON and General ALFRED H. TERRY, composing the Board of Award on the competition for the Prize Essay of 1880 for the thorough, conscientious and admirable manner in which their duties have been performed.

* * * *

Fac-simile of the GOLD MEDAL adopted by the Executive Council and awarded to General JOHN GIBBON for the best essay on "Our Indian Question."





FORT PHIL. KEARNEY--(SEE FRONTISPIECE.)

This Fort was built by Colonel H. B. Carrington, 18th U. S. Infantry, commanding the Rocky Mountain District, in 1866, on Piney Fork of Clear Fork of Powder River. The original order of General Pope directed Fort Reno to be removed from Powder River to Piney Fork, but Indian hostilities compelled the retention of Fort Reno.

Fort Phil. Kearney was a rectangular stockade, 600 x 800 feet, with block houses at two diagonal corners; and an adjoining stockade coral, 200 x 600 feet, for shops, stables and artisans. Two steam saw mills were erected to supply plank, boards and general frame lumber. The trunks, for the stockade, were eleven feet in length, hewn to a touching plane of four inches, pointed, loop-holed, embedded three feet in the earth and supplied with a *banquette*, for sentries and general defense. The barracks, 24 feet x 80, with ceiling 12 feet high; the hospital, two Quarter-master and two Commissary ware-houses, of the same size, were built of small pine timber, hewn to a fair bed, and tenated into upright, grooved posts. Floors were made of two inch plank, covered with inch boards.

The wagon train which accompanied the expedition, which had in view the establishment of a permanent route to Montana, was fully supplied with doors, sash, glass, steel, iron, hardware, and all materials for permanent buildings.

Officers quarters and cabins for married soldiers were erected; also a magazine, the last named being of 10 x 10 inch timber, lined, and cross-

lined by two inch plank, the whole being sunk five feet below the surface, covered by an embankment of the same height, all well ventilated and drained.

The fort was staked out, July 15th, 1866. The stockade was finished and the flag staff received its colors on Muster Day, October 30th, 1866.

The timber was cut about four miles from the fort, during months of almost daily Indian annoyance, with a loss of but three men of the working parties. The last timber was cut and hauled, under the personal direction of the commander to complete the hospital, on the 20th of December, the day before the massacre of Fetterman's party.

The fort was burned by the Indians after withdrawal of the garrison, and the temporary abandonment of that line of operations.

The bodies of Captains Brown and Fetterman and of all the victims except that of Lieut. Grummond which was taken to Tennessee for burial, still remain where they were deposited in a trench on the slope of Pilot Hill. A record of names and the relative position of the bodies was preserved for future identification. The total number buried was eighty.

THE MILITARY SERVICE INSTITUTION OF THE UNITED STATES.

ANNUAL PRIZE ESSAY.

I. The following is published for the information of all concerned :

"*Resolved*, That a prize of a Gold Medal of suitable value, together with a certificate of life membership, be offered annually by 'The Military Service Institution of the United States' for the best essay on a military topic of current interest; the subject to be selected by the Executive Council and the prize awarded under the following conditions :

1. Competition to be open to all persons eligible to membership.*
2. Each competitor will send three copies of his essay in a sealed envelope to the Secretary on or before November 1st, 1881. The essay must be strictly anonymous but the author shall adopt some *non de plume* and sign the same to the essay followed by a figure corresponding with the number of pages of MS. and accompany the essay by a sealed envelope bearing the '*non de plume*' on the outside and enclosing his name and address. This envelope to be opened in the presence of the Council after the decision of the Board of Award has been received.
3. The prize shall be awarded upon the report of a board consisting of three suitable persons chosen by the Executive Council.
4. The successful essay to be published in the Journal of the Institu-

*All officers of the Army and Professors at the Military Academy shall be entitled to membership without ballot upon payment of the entrance fee. (Extract from By-laws.)

tion, and the essay deemed next in order of merit shall receive honorable mention, be read before the Institution, and, at the discretion of the Council be published.

5. Essays not to exceed twenty thousand words or sixty pages of the size and style of the Journal (exclusive of tables.)

II. The Council on the 18th of June, 1881 resolved that on account of a lack of time the prize essay for the current year (1881) be omitted and that the subject for the prize essay of 1882 be

"THE IMPORTANT IMPROVEMENTS IN THE ART OF WAR DURING THE PAST TWENTY YEARS AND THEIR PROBABLE EFFECT ON FUTURE MILITARY OPERATIONS."

III. The gentlemen chosen by the Council to constitute the Board of Award for 1881 are as follows :

Bvt.-Major-General GEORGE W. GETTY, U. S. Army.

Bvt.-Major-General ZEALOUS B. TOWER, U. S. Army.

Colonel JAMES G. BENTON, Ord. Dep't, U. S. Army.

T. F. RODENBOUGH,

Secretary.

GOVERNOR'S ISLAND, N. Y. HARBOR,

June 15, 1881.

One of the most admirable contrivances for lessening the labor of those who make, or are responsible for the security of, official papers is the MOORE COMBINATION DESK. Without going into details it is sufficient to say that in the opinion of the writer who possesses one of these desks it can not be surpassed for the purposes of an Adjutant General or other permanently stationed staff officer, and is mentioned here on account of its special value as a military convenience.

ERRATUM.—p. 188, for Shayendenga read Thayendanega.




HOWARD ACKERMAN

SUCCESSOR TO

J. R. ACKERMAN'S SON

712 BROADWAY

NEW YORK CITY



UNIFORMS



*Since 1786 this House has
been the standard for Uniforms
for Officers in the Military
Service of the United States.*

